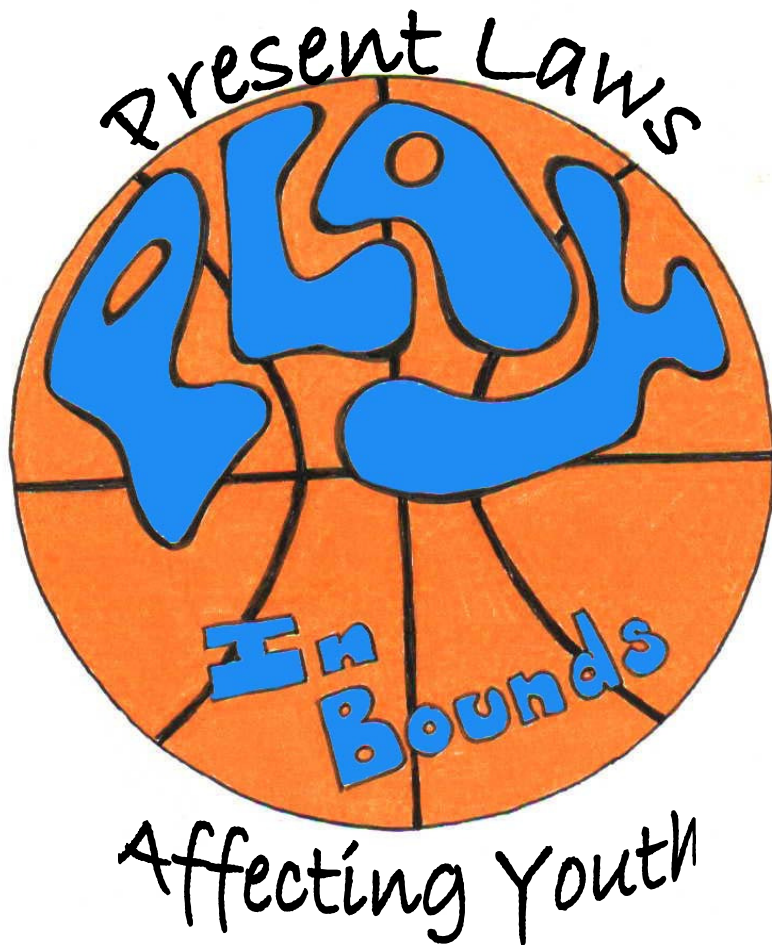


The Youth Law T.E.A.M. of Indiana

PRESENTS



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PRESENTS



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About P.L.A.Y. in Bounds

“P.L.A.Y. in Bounds” was inspired by the Alabama publication entitled “Play by the Rules” and was made possible through a grant from the Indiana Criminal Justice Institute (ICJI). The ICJI is the state agency that distributes federal funds throughout Indiana for juvenile justice and other youth programs. The State Advisory Group (SAG) is the group of individuals that provides guidance to the ICJI as to how the federal funds are spent in Indiana.

The SAG requested the Youth Law T.E.A.M. of Indiana to develop a publication that explains the Indiana laws affecting youth after members of the SAG had become familiar with Alabama’s publication. The staff of the Youth Law T.E.A.M. developed the text of “P.L.A.Y. in Bounds” and many people have contributed their time and input reviewing the content. The Youth Law T.E.A.M. wishes to thank all who have been a part of this effort.

About Youth Law T.E.A.M. of Indiana

The Youth Law T.E.A.M. of Indiana was formed in 2004 to influence systemic change in the juvenile justice, education and child welfare systems within Indiana. The Youth Law T.E.A.M. serves as a youth law resource center for juvenile justice, education and child welfare professionals, as well as concerned citizens, youth and policy makers. The services of the Youth Law T.E.A.M. include **T**echnical Assistance, **E**ducation and Training, **A**dvocacy of Best Practice and Policy Recommendations, and **M**onitoring of the juvenile justice, education and child welfare systems for Compliance with State and Federal Laws and with Best Practice Standards.

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INTRODUCTION

Laws apply to everyone, no matter how old or how young people are. This book is designed to help Indiana youth learn and understand what the law is in the areas most important to youth, hence the title of the book, P.L.A.Y. in Bounds (**P**resent **L**aws **A**ffecting **Y**outh). Even though you aren't an adult, it's your responsibility to know the law and follow it.

P.L.A.Y. in Bounds is written in a question and answer format. The questions are written as if asked by an Indiana youth. The answers are summaries of Indiana and federal law, state and federal case law, and/or common law. At the end of each chapter is the sources section. Use the following to help you understand the sources.

"I.C." refers to sections of Indiana Code, which is Indiana law.

"I.A.C." refers to sections of the Indiana Administrative Code.

"U.S.C." refers to sections of the United States Code, which is federal law.

"C.F.R." refers to sections of the Code of Federal Regulations.

Some of the sources are real life court cases, called case law. Some questions do not refer to codes or court cases. The answers to these questions are part of common law, or traditional ways of doing things.

The law is constantly changing. Every year, Indiana and federal legislators write new laws. Every day, Indiana and federal judges hear new court cases and either interpret old laws or make new laws. A good way to keep informed about new and changing laws is to read the newspaper and listen to the news on the television or radio. You may also want to visit Indiana's official state website: www.in.gov. If you do not have internet access at home you can visit your local library. Because the law is constantly changing, and because the law can get complicated, don't use this book in place of an attorney. Contact a lawyer if you have a legal problem and need legal advice.

Now, please join the Youth Law T.E.A.M.'s friends, Allie and Tom, as they and their friends learn about the **P**resent **L**aws **A**ffecting **Y**outh. Learning these laws will empower and protect you. Stay in the game. **P**LAY in Bounds!

Allie Cat, age 14



Tom Cat, age 24



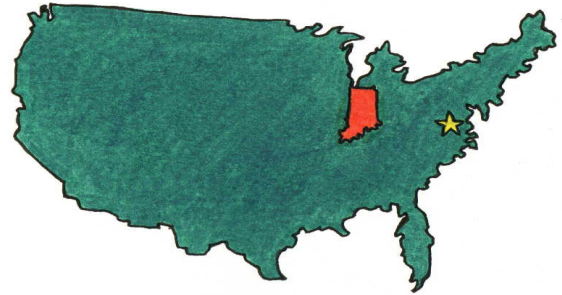
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Sources of Law

Have you ever gotten into trouble for breaking a rule that you didn't know existed? Did you think it was unfair that you got into trouble? Did you wonder why there are so many rules? In our society, there are many rules called laws. Even though you are not an adult, it is your responsibility to know and follow the law. This chapter explains where the law comes from.



1. Where does Indiana law come from?

Indiana law comes from the Indiana constitution, Indiana statutes, and Indiana case law. The Indiana constitution is a document that describes the laws and explains what the government can and cannot do. Indiana statutes are the laws made by the Indiana General Assembly. The Indiana General Assembly is a group of politicians that Indiana citizens, age eighteen and over, vote for. The laws the General Assembly write are called the Indiana Code (I.C.). Indiana case law comes from Indiana judges who interpret and apply the laws that the Indiana General Assembly write.

2. What is the United States Code?

The United States Code is the name of the laws the United States Congress writes that apply to all fifty states of the United States. Before laws become part of the United States Code, they are approved by the President.

3. What is the difference between state law and federal law?

State laws apply to everyone in that state, whether they live there or are visiting. Each state has its own body of laws. For instance, if you are in Kentucky on vacation, then Kentucky law applies to you while you are in the state of Kentucky. Federal laws apply to everyone in the United States of America. The federal laws are the same for all fifty states.

4. Are there city laws?

Yes. Every city has its own special laws that apply to just that city. City laws are called "city ordinances." Each city in Indiana has city ordinances.

5. What is the difference between civil law and criminal law?

Civil laws are laws that relate to the way you interact with other people. Civil laws tell you when you can marry, when contracts are valid, and how to operate a business. Criminal laws are laws that relate to the way you interact with society as

a whole. When you break a criminal law, society as a whole is hurt, not just the individual victim.

6. Are there special laws for youth?

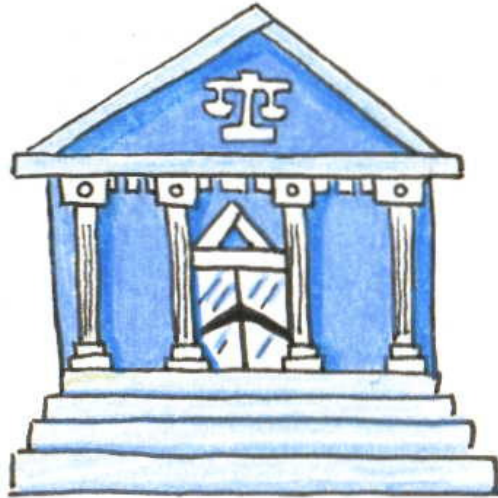
Yes. The following chapters will explain the Indiana laws that apply to youth under age eighteen.



Indiana Court Systems

Chapter 2

As you may have learned in your history or government class, there are three branches of government. The legislative branch writes the laws. The legislative branch, at the federal level, is the United States Congress. At the state level, the legislative branch is the Indiana General Assembly. The executive branch enforces the laws. At the federal level, the President is the chief of the executive branch. At the state level, the Governor is the chief of the executive branch. The judicial branch interprets questions about the laws and makes sure that the laws do not violate our constitutional or statutory rights. The judicial branch is the federal, state, and local courts.



1. How do the courts interpret laws?

Courts interpret laws by hearing cases. When people feel as though their rights have been violated or that someone has not followed the law, they file a case with the court. The judge will look at the law, look at the facts of what happened, and decide how the law applies to the case. The judge will make “findings” that explain why the court thinks the law applies to the facts of the case the way it does. Sometimes people file a case with the court because they think a law violates their rights. In those cases, the judge will look to see whether the law is valid (a good law) or invalid (a bad law).

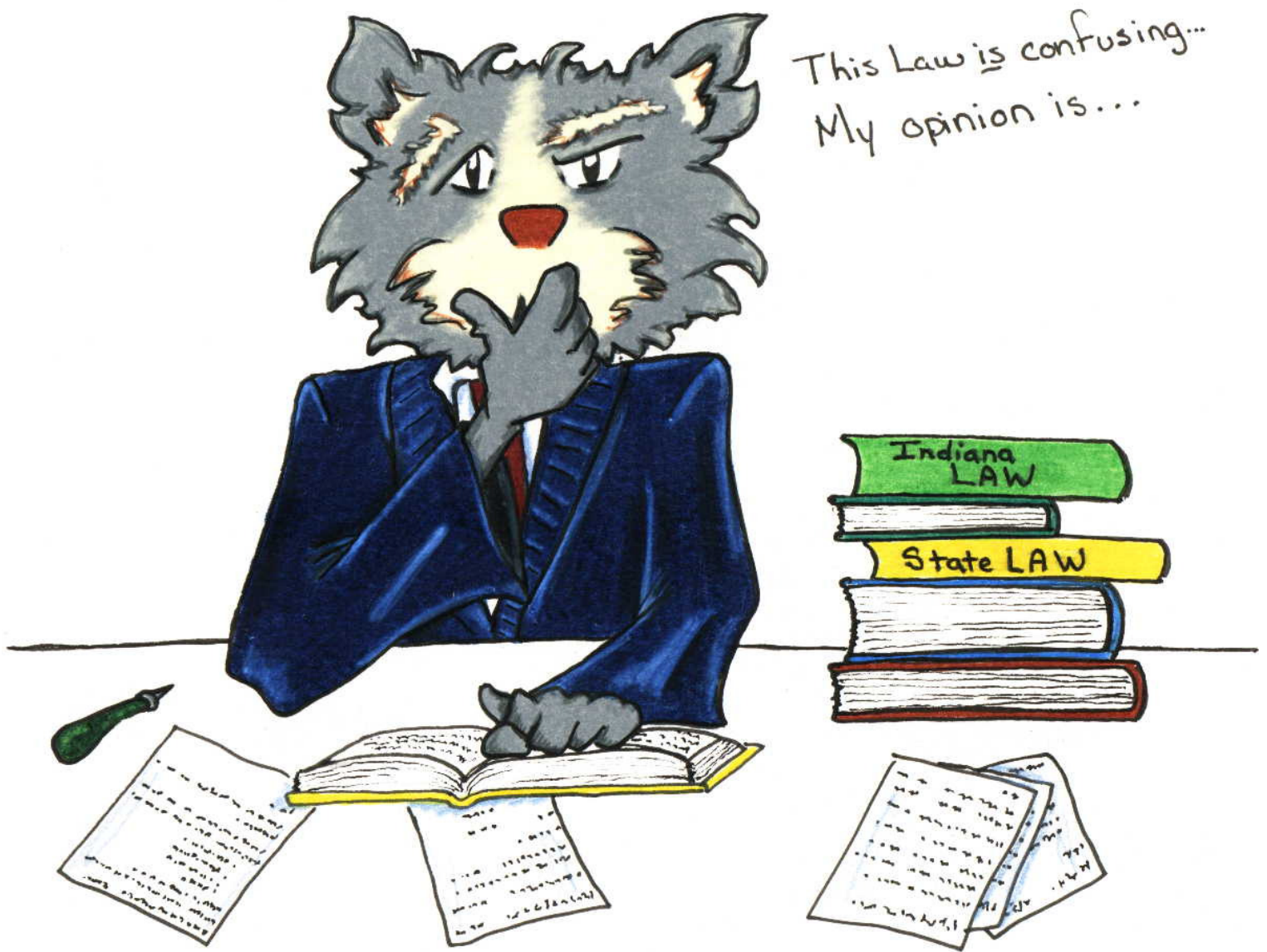
2. What if I don’t agree with the court’s decision?

When someone files a new case

with a court in Indiana, the case is filed with the trial court. The trial court level is the superior or circuit courts. The trial court judge will make a decision in the case, or issue a ruling. If you don’t like the ruling, you can appeal, or ask another court to hear the case. The second court to look at the case is the Indiana Court of Appeals. If you still are not happy with the ruling, you can appeal your case to the Indiana Supreme Court. The Indiana Supreme Court may be the third court to hear your case; the Indiana Supreme Court is able to choose what cases it hears.

3. How does the court make laws?

When the trial court judge makes a decision in a case, it will enter a judgment, or an order. That order has the same



effect as the statutes. When the Indiana Court of Appeals and Indiana Supreme Court make a decision in a case, a judgment or order will be issued. The order will be supported by an opinion. The opinion is called "case law" because the law that comes out of each case will be applied to other cases.

4. Are there courts for youth?

Yes. At the Indiana trial court level, there is a special court system set up to hear cases involving Indiana youth. This court is called the Juvenile Court. The word "juvenile" refers to people age seventeen or younger.

Courtroom Roles

Even though the different courts hear different types of cases, the key players are the same. Read this chapter to know who you'll meet if you go into court.



Chapter 3

1. Who are judges and what is their job?

The judge is the person who hears cases and makes decisions in accordance with the law. The judge is in charge of presiding over the court proceedings. The judge will make a decision, or enter a judgment, in your case. You must follow the judge's decision.



2. Who are plaintiffs and defendants?

In a civil case, the person who starts the lawsuit is called the plaintiff. The person being sued is called the defendant. Normally, the person bringing the suit, the plaintiff, wants the court to make

the defendant do or not do something. In a criminal case, the person who has been charged with breaking the law is called the defendant.

3. Is there a plaintiff in a criminal case?

No. In a criminal case, the community starts the criminal case. The person representing the community is called the prosecutor or attorney general. The prosecutor or attorney general is the attorney working for the government to protect the community's interest and ensure the community's safety.

4. What is an attorney?

An attorney is someone with special qualifications who went to law school and passed a test called the Indiana Bar. An attorney is also called a lawyer. A lawyer will help you with your case in court. A lawyer will give you legal advice



by explaining what the law is, what decisions you have to make in your case, and what consequences each decision might bring. Your lawyer should follow your decisions. But your lawyer cannot assist you in breaking the law.

5. What is the attorney-client privilege?

Attorney-client privilege means that your lawyer cannot share information that you give him or her unless you give permission. However, your lawyer can reveal information to prevent you from committing a new delinquent act or to protect the lawyer from civil or criminal charges that are the result of something you did.

6. What is a jury?

In adult court, the jury is a group of adults who will listen to evidence and decide who should win the case. In cases

where there is not a jury, the judge decides who should win the case. When a jury is deciding the outcome of a case, it is the judge's responsibility to make sure the jury is told what the law is.



7. What is a court reporter?

The court reporter is the person in charge of keeping the court's record. The record is a list of everything that happens during the hearing. The court reporter may be sitting at a computer typing what everyone says during the hearing.



8. What is a bailiff?

The bailiff is the person who keeps order in the court, making sure that everyone behaves themselves and arrives for their cases on time. You may hear the bailiff before you see the bailiff because the bailiff is often the person who calls out your case in court.



Chapter 3 Sources

1. Who are judges and what is their job?
Code of Judicial Conduct, Canon 3; Rules of Professional Judicial Conduct
4. What is an attorney?
Indiana Rules of Court Rules of Professional Conduct Rule 1.2
5. What is the attorney-client privilege?
Indiana Rules of Court Rules of Professional Conduct Rule 1.6



Juvenile Court System

There are many different types of court cases. There are cases about traffic offenses, business deals, crimes, and divorce. Some courts will only hear criminal cases. Some courts will only hear civil cases. The court that hears cases dealing with Indiana youth is called the Juvenile Court System.



1. What is the Indiana Juvenile Court System?

The Indiana Juvenile Court System refers to a court having juvenile jurisdiction. A juvenile is a person age seventeen or younger. The juvenile court will hear cases dealing with Indiana youth age seventeen or younger.

2. What does jurisdiction mean and what cases does the juvenile court judge hear?

If a court has jurisdiction over a case, then that court has the ability to interpret and

apply the law in that case. Since the juvenile court has juvenile jurisdiction, the juvenile judge can hear cases dealing with juveniles, or individuals age seventeen or under. The juvenile court

can hear the following cases dealing with youth:

- Delinquency;
- Child in need of services "CHINS" (abuse and neglect cases);
- Paternity (establishing who a child's father is);
- Interstate compact (dealing with Indiana youth in other states);
- Parent participation hearings in delinquency and CHINS cases;
- Detention hearings (when youth are removed from the home or arrested);
- Protective orders dealing with people in relation to youth (court orders to keep youth safe);
- Misdemeanor traffic offenses for youth under age sixteen;
- Driving a vehicle while intoxicated;
- Guardianship proceedings for CHINS;
- Cases concerning involuntary drug and alcohol treatment;
- Cases where youth need to be committed to a hospital for mental health needs; and
- Termination of parental rights cases.



Chapter 4 Sources

1. What is the Indiana Juvenile Court System? does the juvenile court judge hear?
I.C. 31-37-23-1; I.C. 31-9-2-70 I.C. 31-30-1-1; I.C. 31-30-1-5
2. What does jurisdiction mean and what cases



Juvenile Justice System

As an Indiana youth, you are not considered a criminal if you disobey the law. Instead, you are considered a delinquent child. If you break the law, you will enter into the juvenile justice system. The Indiana Juvenile Justice System is designed to hold youth accountable, to ensure public safety, and to provide treatment so that youth will become law abiding citizens. Although you may never be a part of the juvenile justice system, it is a good idea to know its terms and procedures.



Delinquent Acts

There are many differences in the terms used in the adult court system and the juvenile court system.

Juvenile Court Terms	Adult Court Terms
Delinquent Act	Crime
Taken into custody	Arrest
Petition	File charges
Denial or "Not True"	Not guilty plea
Admission or "True"	Guilty plea
Fact finding hearing	Trial
Found delinquent	Found guilty
Disposition	Sentencing
Detention	Incarceration

1. Can I commit a crime even though I'm not an adult?

Usually if you are under age eighteen, you are in juvenile court and you are not charged with committing a crime. Instead of crimes, people under age eighteen commit delinquent acts. If you are in juvenile court, you are not considered a criminal; instead, you are considered a delinquent child. However, there are some cases where you can be charged with a

crime in adult court even though you are under age eighteen.

2. What if I did something that I didn't know was a delinquent act?

It is your responsibility to know the law. It is not an excuse or defense to say you didn't know something you did was a delinquent act.

3. What is a delinquent act?

There are two types of delinquent acts. The first type of delinquent act is an act that would be a crime if performed by an adult (a crime delinquent act). The second type of delinquent act is a status offense. Status offenses are delinquent acts only because someone under age eighteen commits them. Adults cannot commit status offenses. Status offenses are truancy (not going to school), run-away, incorrigibility (being disobedient to your parent or guardian), consuming or possessing alcohol as a minor, and violating curfew.

4. What is the difference between a crime delinquent act and a status offense?

In order for the judge to find you to be a delinquent child for a status offense, the judge must find that you need care or treatment that you are unlikely to receive without help from the court.

Contact with Police

The Fourth and Fifth Amendments of the United States Constitution provide rights to people when dealing with the police. The Fourth Amendment states that people should be free from unreasonable searches and seizures by government officials, and the Fifth Amendment states that no person shall be forced to be a witness and provide evidence that can be used against him or her.

1. When can a police officer tell me to stop when I'm in public?

When you are in public, police officers can tell you to stop so they can investigate criminal or delinquent activity. To legally stop you, police officers need to have a specific reason that makes them suspicious that you are committing a delinquent act.

2. When can a police officer search me or my belongings?

If the police want to search you or your belongings, they must first receive a warrant from a judge. A warrant is a court order giving the police permission

to search you or a specific belonging. However, there are times when the police can search you or your belongings without a warrant. One such time is after you are taken into custody, or arrested. Another time is if the police believe that you are armed and dangerous; if the police believe you are armed and dangerous, they may frisk you. A frisk is a limited search on the outside of your clothing to make sure you do not have any weapons.



3. Can a police officer search my car without a warrant?

Yes. If the police have probable cause, or a good legal reason, to believe that your vehicle contains evidence that you have committed a delinquent act, they may search your vehicle without a warrant. (The police don't need a warrant because you may move the vehicle before



they come back from seeing the judge.) The police can search your entire vehicle and all the containers within the vehicle. Police can search your belongings and your passenger's belongings in the car.

4. Can my parent or guardian give the police permission to search my bedroom?

Yes. Whoever owns or rents the home where you live has control over the entire home and can give the police permission to search the home, including your bedroom.

5. What are Miranda warnings?

You must be informed of certain rights before the police can interrogate you, or question you. You are probably familiar with these rights from television. The Miranda rights are:

- You have the right to remain silent.

This means that you can refuse to answer questions the police ask you without getting into trouble.

- Anything you say may be used against you in a court of law. This means that if you do decide to answer the police officer's questions, or decide to speak to the officer even without questions, whatever you say can be used as evidence that you committed a delinquent act.
- You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future. This means that you can talk to an attorney and receive legal advice about your decision to talk to the police officer. The attorney can also sit with you while the police officer interrogates you to answer your questions about what the police officer is asking. If you decide to answer questions without an attorney present, you still have the right to stop answering questions at any time and ask to talk to an attorney. This means that if you first decide not to have an attorney, you can later change your mind without getting into trouble. If you want to talk to an attorney, you should make a specific request, such as, "I want to talk to an attorney."

- If you cannot afford an attorney,

one will be appointed for you. This means that you can receive legal advice even if you don't have money to pay the attorney. An appointed attorney is called a public defender.

6. When do I receive my Miranda rights?

Anyone in police custody and accused of committing a delinquent act must be given Miranda warnings prior to police interrogation. Interrogation refers to the questions and actions the police perform to get you to give evidence against yourself. Normally it is only the police who must give you the Miranda warnings. Therefore, if your principal is questioning you for an act you committed at school, even if a police officer is in the room, you

will not receive your Miranda warnings because the principal is not a police officer. Your Miranda warnings only apply when you are in police custody. Police custody means that you are not free to leave. Therefore, if you voluntarily go to the police station to talk to the officers, you will not receive your Miranda warnings.

Detention

Detention Centers are facilities around the state of Indiana that will hold youth who get into trouble with the law. These centers are not jails (they hold only youth) but are similar to jails in that the youth normally wear uniforms and the doors are locked so that the youth cannot leave. Youth eat, sleep, and attend school in the detention center.

1. Can I be arrested?

Yes. But remember, in the juvenile system an arrest is called being "taken into custody." A police officer may take you into custody if there is probable cause, or a good legal reason, to believe that you have committed a delinquent act or if there is a court order for the police to take you into custody.

2. What happens if I am taken into custody?

If you are taken into custody without a court order, a police officer may release you to your parent or guardian upon their written promise that you will appear in court at a later time. However,



the officer can take you to a detention center if the officer believes that you will not appear for court or that you have committed, if an adult, murder or a class A or B felony. You may be detained to protect yourself or the community, if your parent or guardian can't be located or won't take custody of you, or if you have a good reason for wanting to be detained.

If the police take you to a juvenile detention center, a probation officer or intake officer will review the reasons you are brought to the detention center. The probation officer may release you to your parent or guardian or may decide to keep you at the detention center until the judge can decide whether you should be released.

3. What happens if I don't go to court when scheduled?

If you are released from a detention center on the condition that you will appear for your hearing, but purposefully don't go to that hearing, then you can be arrested and charged with the delinquent act of "failure to appear."

4. If I am taken to a detention center, how long will I stay there?

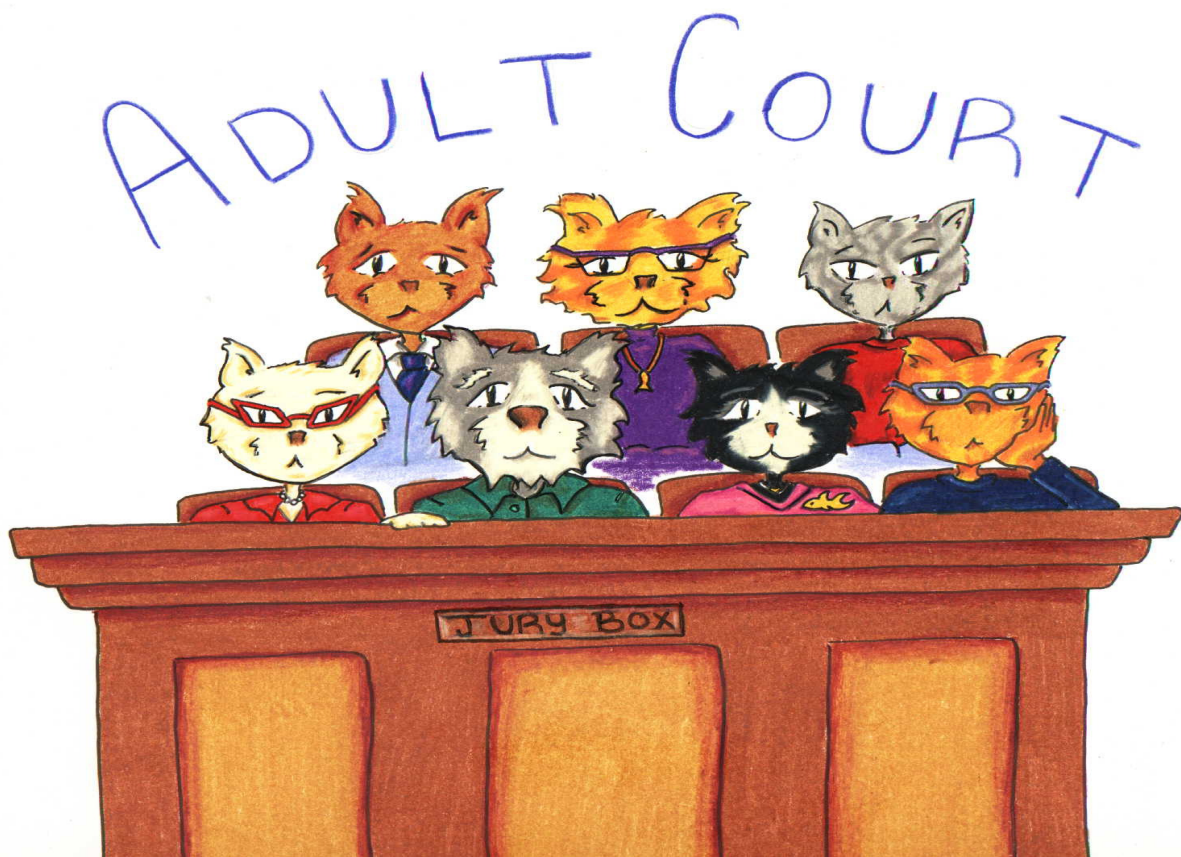
If you are taken to a detention center for committing a crime delinquent act, you will probably stay until you have a detention hearing, which will be within 48 hours, excluding Saturdays, Sundays, and legal holidays. At the detention hearing, the judge will decide whether you should be released to your parent or

guardian or returned to the detention center. If you return to the detention center, the prosecutor must file a petition alleging delinquency (or file charges) within seven days, excluding Saturdays, Sundays, and legal holidays. A fact-finding hearing (or trial) must be held within twenty days, excluding Saturdays, Sundays, and legal holidays, of the filing of the petition.

Generally, you should not be taken to a detention center for committing a status delinquent act. However, there are some exceptions. You can be taken to a detention center for being a runaway for 24 hours before and 24 hours after your first court appearance. If you are on probation for committing a crime delinquent offense and you commit a status offense, then you can be detained at a detention center.

5. What happens at a detention hearing?

The purpose of a detention hearing is to determine whether you should continue to be detained or be returned to your parent or guardian. The judge will tell you and your parents about your right to have an attorney and your right to refrain from testifying against yourself. If you want an attorney, the judge will appoint one for you at this hearing. If the judge allows you to go home, you may be placed on home detention (meaning you can't leave your home except to go to school and maybe work) or electronic monitoring (meaning you'll have to wear a tracking device on your ankle). You



may have a curfew restriction, a protective order, or a no contact order (meaning you cannot have any direct contact or indirect contact through a mutual friend) with someone. The judge may place some other condition on your actions or behavior. You may also be required to surrender your driver's license to show the judge that you will attend hearings in the future.

Your Legal Rights

In juvenile justice court proceedings, you are given rights that are in addition to your Miranda rights. The rights you have in juvenile court are a little different than the rights you have in adult court.

1. What rights do I have?

The Supreme Court of the United States and Indiana law give you the following rights:

- To receive written notice of the charges against you and have enough time to prepare a defense;
- To confront and cross-examine witnesses (Witnesses are people who have evidence that you committed a delinquent act. Cross-examine means you can ask them questions in court.);
- To know what witnesses and evidence against you the prosecutor has;
- To introduce evidence on your own behalf or in your defense;
- To be represented by an attorney,

even if you cannot pay for the attorney;

- To have a trial within a short amount of time;
- To not be forced to testify against yourself; and
- To have delinquency, or guilt, established by proof beyond a reasonable doubt.

2. What does “beyond a reasonable doubt” mean?

You are presumed innocent of all acts. The prosecutor must prove that you committed a delinquent act “beyond a reasonable doubt.” The prosecutor must give enough evidence to the judge so that the only reasonable, or rational, explanation is that you committed the delinquent act.

3. Can I waive my rights?

Yes. You can waive your rights, meaning you can give up your rights. You cannot waive your rights on your own. Either your attorney or your parent or guardian must agree with you to waive your rights. However, no one can waive your rights without your agreement.

4. What rights do my parents have?

In juvenile court, you are the one facing delinquency charges, not your parent or guardian. However, the judge can order your parent or guardian to participate in and pay for your care, treatment, or rehabilitation. At the hearings where

the judge determines your parent’s or guardian’s participation and ability to pay for services, your parent or guardian has the right to cross-examine witnesses, obtain the evidence the prosecutor has, and to introduce evidence on their own behalf.

5. Are my rights in juvenile court different from the rights in adult court?

The United States Supreme Court has held that youth do not have the right to trial by a jury in delinquency proceedings. Instead of a jury, the judge will decide your case. Youth also don’t have the right to post bail, or give money, to be released from detention prior to their fact-finding hearing, or trial. Finally, youth don’t have the right to an open hearing in juvenile court. This means people from the public cannot watch your case. The exception to this rule is that people from the public can watch your case if you are charged with an act that is murder or a felony in juvenile court.

Juvenile Justice Procedures

When youth get into trouble with the law, they become part of the juvenile justice system. There are set procedures and rules that must occur to make sure that youth’s rights are protected and that youth are treated equally and fairly.

1. What is a juvenile probation officer?

A juvenile probation officer is a person who works for the probation depart-

ment of the juvenile court. The probation officer provides information to the judge and makes recommendations. The probation officer is also the person who supervises you if you are placed on probation. The probation officer is not your attorney and does not represent you in court.

2. What is a preliminary inquiry or P.I.?

The first thing that happens after you are arrested is that a probation officer conducts a preliminary inquiry, or P.I. A preliminary inquiry is a report that the probation officer writes for the judge to give the judge more information about you than what is written in the delinquency petition. The probation officer will meet with you and a parent or guardian to gather information about your background, current status, and school performance.

3. What does I.A. mean? Is it the same as diversion?

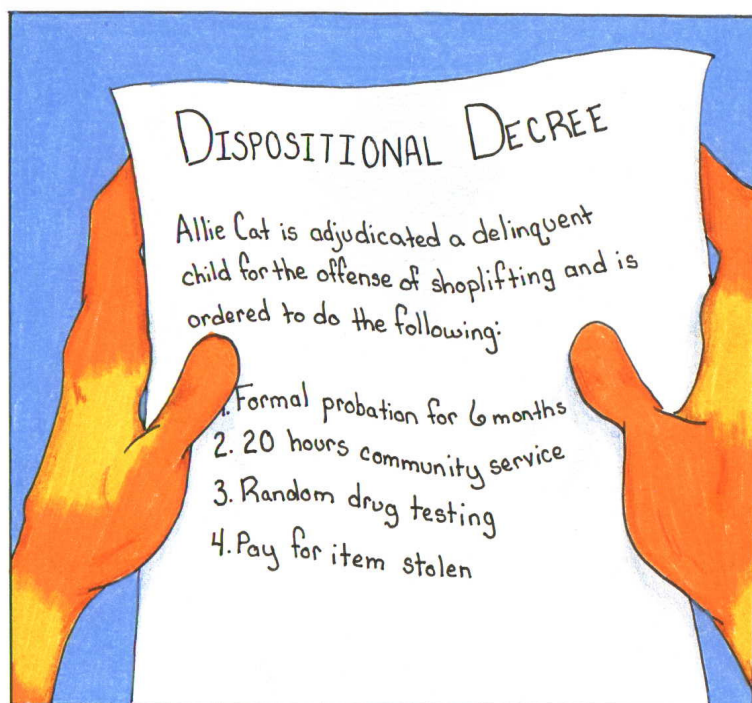
"I.A." stands for Informal Adjustment, which is frequently called a diversion program. After the preliminary inquiry, your probation officer may ask you to participate in a program that is designed to keep you from committing future delinquent acts. The program cannot last more than six months unless the juvenile court extends the program for an additional six months. If you successfully complete the terms of the I.A., the prosecutor will not file a delin-

quency petition.

4. What is an initial hearing and what happens at an initial hearing?

If the prosecutor files a petition alleging you are a delinquent child, then you and your parent or guardian will attend an initial hearing. This is the first hearing where you are formally told of the charge against you. The judge will also tell you what your rights are in court. These rights were explained earlier in this chapter. The judge will tell you whether there is a possibility that you might be waived, or sent, to the adult court and the dispositional alternatives (or sentencing choices) available if you are found to have committed the delinquent act. The judge will also ask you if you admit or deny the allegations that you committed the delinquent act.

5. What happens if I deny the allega-



tion or say that I didn't commit the delinquent act?

Unless you admit the allegations in the petition, or say the allegations are true, the judge will hold a fact-finding hearing. A fact-finding hearing in the juvenile court is similar to a trial in the adult court. The prosecutor will present evidence to the judge that you committed the delinquent act that you were charged with. You will have an opportunity to cross-examine witnesses and to present evidence in your defense. At the end of all the evidence, the judge will decide whether to find the allegations true, and adjudicate you a delinquent child, or to find the allegations not true and dismiss the case. (Remember, jury trials are only held in the adult system.)

6. What happens if I admit the allegations or the allegations are found true at a fact-finding hearing?

If the judge finds that you committed the delinquent act and that you are a delinquent child, the judge will write the judgment (the decision), order a predisposition report, and schedule a dispositional hearing.

7. What is a predispositional report?

A predispositional report ("P.D.R.") is the report prepared by the probation officer for the judge before the dispositional hearing. The report will contain the probation officer's recommendation as to what care, treatment, rehabilitation, or

placement, you should receive that is in your best interest and provides for the community's safety. The probation officer may consult with people who have information about you, such as your doctor, teacher, or counselor.

8. What are a dispositional decree and a dispositional hearing?

A disposition, or dispositional decree, is a court order that lists what you will need to do to show the judge that you will not commit future delinquent acts. You will learn your disposition after the judge holds a dispositional hearing to determine alternatives for your care, treatment, rehabilitation, or placement. The judge will also determine what your parent or guardian will have to do to help you and how much money your parent or guardian will have to pay for the time spent in court and the services you will receive.

9. What are some of the dispositional alternatives that the court can order if I am adjudicated a delinquent child?

If you are adjudicated a delinquent child, the court can order you to:

- Be supervised by the probation department;
- Register with the sex offender registry if you committed a sex crime;
- Receive outpatient treatment (receive treatment from doctors, counselors, etc.);
- Surrender your driver's license;

- Pay restitution to the victim (pay for any damages that you may have caused);
- Perform community service;
- Be removed from your home and placed in another home, shelter care facility, or other facility licensed by the state (such as a detention center); or
- Become a ward of the Department of Correction (if you are at least age twelve, or age ten or eleven and have committed an act that would be murder if committed by an adult).

10. What dispositional alternatives can the court order if I am adjudicated a delinquent for a status offense?

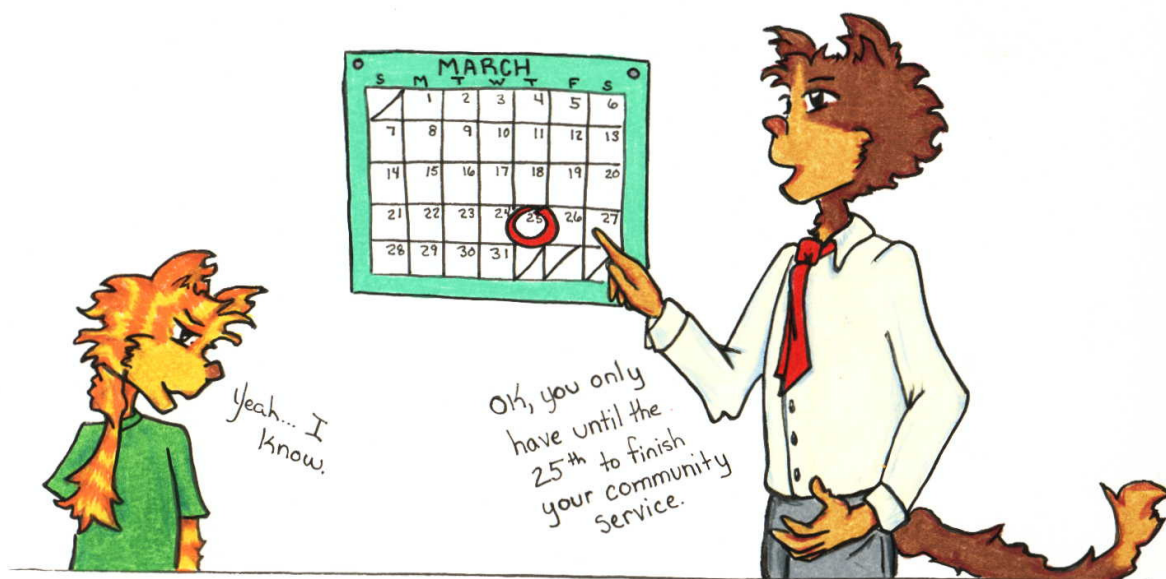
Remember, a status offense is a delinquent act only because someone under age eighteen commits it. If you are adjudicated as a delinquent because of a

status offense, the judge can order you to:

- Be supervised by the probation department or county office of family and children;
- Receive outpatient treatment (receive treatment from doctors, counselors, etc.); or
- Be removed from home and placed in another home or shelter care facility.

11. How will the judge know whether I completed the court-ordered disposition?

The judge may order the probation department to file a report on the progress made in following the dispositional decree. The judge is also required to hold a formal hearing at least every twelve months to determine whether the dispositional decree should be modified or changed. In deciding whether the dispositional decree should be modified, the judge will look at factors such as whether your family has



cooperated with the probation department, whether there is a need for additional services, and the extent to which your behavior has improved.

12. What happens if I violate my probation?

If you violate your probation, or don't follow the dispositional decree, your probation officer or the prosecutor may ask the judge to change the dispositional decree. The judge may decide to change the dispositional decree without being asked. (You, your parent, or your service provider can also ask the judge to modify the dispositional decree.) The new dispositional decree may have new orders that you will need to follow.

13. When does probation end?

Your probation will end when the judge finds that you have successfully followed all the orders in the dispositional decree. When you have completed your dispositional requirements, the judge will release you and your parent or guardian.

14. What is the "Department of Correction"?

The "Department of Correction," or D.O.C., is a juvenile prison. You may have heard the D.O.C. referred to as "boys' school" and "girls' school." If you are sent to the D.O.C., the judge may tell you that you are going for six months or some specific length of time. However, when you are sent to D.O.C., the juvenile court loses jurisdiction over you, meaning

it cannot make any more decisions about you. Therefore, the judge can recommend that you go for only six months, but you will not be released until the D.O.C. feels as though you are able to return home. The D.O.C. can keep you in its facilities until you are age twenty-one.

15. Can I ever be placed in a secure facility like a detention facility or the Department of Correction for committing a status offense?

The general rule is that you cannot be placed in a juvenile detention facility or the Department of Correction for being adjudicated as a delinquent child for committing a status offense. However, there are two exceptions to the rule. The judge can order you to be placed in a secure detention facility or the Department of Correction if you were adjudicated a delinquent child for the act of runaway, received a written warning of what would happen if you ran away again, and you ran away again.

You can also be placed in a secure detention facility or the Department of Correction if you were adjudicated a truant, were ordered to go to school, received a written warning of what would happen if you continued to be truant, and you were truant again.

16. What is the Sex Offender Registry?

If you commit a delinquent act that would be a sex crime if you were an adult, are at least age fourteen, released from



the Department of Correction or another secure private facility or detention facility, and the judge finds that you are likely to commit another sex crime in the future, then you must enter your information into the Sex Offender Registry. You must enter information including your full name, date of birth, sex, race, height, weight, hair color, eye color, Social Security number, driver's license number, home address, description of the offense you committed, and a recent photograph. People in your community can access the registry so they can protect themselves and their children from being victims of sex crimes. Your information will stay in the registry for ten years; although there are some instances where your information will stay in the registry for life. You must update the registry if you move or change your name.

Youth in the Adult Court

Just because you are under age eighteen

doesn't mean that you will be in the juvenile court system. Every year the Indiana lawmakers decide what acts will send youth to the adult system. Every year juvenile judges decide whether youth should stay in the juvenile system or be sent to the adult system.

1. As a juvenile, can I be sent to adult court?

Yes. There are two ways your case can be in the adult court. The first way is by a direct file. If you are at least age sixteen and commit certain

felonies, the juvenile court does not have jurisdiction, or the ability, to hear your case. Since the juvenile court is not able to decide the case, the case is directly filed with, or charges are brought through, the adult court. The juvenile judge never sees the case.

The second way your case may be in the adult court is if the prosecutor files your case in the juvenile court but asks the juvenile judge to waive jurisdiction, or send your case, to the adult court. The judge must decide, at a waiver hearing, whether it is in your best interest and the community's safety for you to remain within the juvenile justice system.

If your case is in the adult court, you can be held in an adult jail. You will go to an adult correctional facility if the judge finds you guilty in adult court.

2. Which acts are direct file crimes, so that my case goes directly to the adult court?

If you are age sixteen or older and commit the following crimes, your case will be filed with the adult court and not the juvenile court:

Murder	Intentionally killing someone or unintentionally killing someone while committing another crime such as arson, burglary, rape, carjacking, or dealing drugs.
Kidnapping	Moving someone from one place to another by threat or force, holding someone captive for ransom, hijacking a vehicle, helping someone escape, or holding someone hostage.
Rape	Having sexual intercourse with someone without their consent.
Criminal deviate conduct	Causing someone to perform or receive oral or anal sex or penetrating someone with an object without that person's consent.
Robbery with a deadly weapon or causing injury	Robbery is taking property from someone by threatening to use force against the person or making that person fearful.
Carjacking	Taking a motor vehicle from someone by using or threatening to use force or by making that person fearful.
Criminal gang activity	Participating in a criminal gang. A gang has at least five members; to be a member of a gang, you must commit a felony crime. (See Chapter 6 for information on felony crimes.)
Criminal gang intimidation	Threatening another person because that person refuses to join a criminal gang or has withdrawn from a criminal gang.
Carrying a handgun without a license	Carrying a handgun in a vehicle or on your body without a license in your possession, except for when you are in your home, on your property, or fixed place of business. A handgun is a gun designed to be shot with one hand, regardless of the gun's length, or a gun with a barrel length less than sixteen inches or an overall length less than twenty-six inches.
Children and firearms	"Children and firearms" refers to several crimes concerning children having guns. The crime in this category most applicable to you is possessing a firearm as a youth. Youth cannot possess firearms without being in a hunting class, firearm safety class, or target shooting, without permission by your parent or supervision of a parent or licensed instructor. A firearm is any weapon designed to project an object with an explosion. (See Chapter 13 for information about when youth can have a firearm.)
Dealing a sawed off shotgun	Making, keeping to sell, or possessing a sawed off shotgun. A shotgun is a weapon designed to be fired from the shoulder and have one projectile or a number of ball shot fire with each pull of the trigger. A sawed off shotgun is a shotgun with one or both barrels less than eighteen inches in length or a shotgun modified so that the whole shotgun is less than twenty-six inches.
Certain Drug Offenses	Dealing or manufacturing cocaine, narcotics, methamphetamines, or dealing a Schedule I, II, III, or IV drug if you have a prior conviction or adjudication as a delinquent for dealing or manufacturing cocaine, narcotics, methamphetamines, or dealing a Schedule I, II, III, or IV drug. (See Chapter 6 for more information about Schedule drugs.)

3. If I commit two acts at the same time, one that is not a direct file act and one that is a direct file act, will I have one case in adult court and one case in juvenile court?

No. If you have one case that is a direct file case, all the acts that would have been in the juvenile court will be joined with the direct file act and be heard by the adult court.

4. What are the crimes that I can be waived on?

The juvenile court judge can waive your case to the adult court if you are alleged to have committed the following acts:

- A heinous (utterly horrible) or aggravated (very serious) act or an act that is part of pattern of delinquent acts, even though less serious. You must be at least age fourteen when the act was committed.
- Dealing or possessing drugs or drug paraphernalia or visiting a common nuisance (a place where you can use, buy, or sell drugs). You must be at least age sixteen when the act was committed.
- Murder. You must be at least age ten when the act was committed.
- Any act that would be a class A or B felony, involuntary manslaughter, or reckless homicide. You must be at least age sixteen. (See Chapter 6 for information on felonies.)
- Any act that would be a felony if committed by an adult if you have previ-

ously been convicted in adult court of a felony or a nontraffic misdemeanor.

5. What's the youngest age that I can be waived to the adult court?

You can be waived to the adult court at age ten if you are charged with the offense of murder and there is probable cause that you committed the act. For charges other than murder, you must be at least age fourteen or sixteen, depending on the offense, to be waived to the adult court.

6. If I am sent to the adult court, will I return to the juvenile court if I break the law again?

If you are sent to the adult court as a result of a direct file case, you will return to the juvenile court so long as the new act is not another direct file crime. However, if you are waived to the adult court, all future cases will be in the adult court because the juvenile court has already determined that it is *not* in the community's or your best interest for you to stay in the juvenile court system.

Juvenile Record

When you enter into the juvenile justice system, all the reports and evidence are stored and kept as your juvenile record. Much of your record is kept confidential from the public. However, your record is not automatically destroyed after you complete probation.



1. Can my juvenile court record ever be destroyed?

Yes. You can ask the juvenile court at any time to remove records pertaining to your involvement in the juvenile court

from the court's files, the law enforcement's files, and the files of a service provider. The judge considers many factors, such as your age during your contact with the juvenile court or police, the nature of

the allegations, the manner in which you participated in any required services, and whether you currently are in trouble with the law. If the judge grants your request, the records may be destroyed or given to you to keep.

nies, or one class C felony and one class D felony, then the judge cannot suspend your sentence. You will have to serve the jail time.

2. If I have a juvenile record, what should I say on a job application when asked if I have ever been convicted of a crime?

An adjudication as a delinquent is not the same as being convicted of a crime. Therefore, you can say that you have not been convicted. However, if you have gone through the adult system as a youth, you should say that you have been convicted of a crime.

3. Can my juvenile record affect me as an adult?

Yes. Your juvenile record may prevent you from being accepted into the armed forces. Also, your juvenile record may affect your sentence in adult court. In adult court (and in juvenile court) the judge will give you a sentence, but then may suspend it. If you have good behavior on probation, then you will not have to serve your suspended sentence. However, if you have bad behavior on probation, then your suspension will be revoked and you'll have to serve your sentence. As an adult, if you commit a felony and your juvenile record says that within three years of the adult felony you committed a delinquent act that would be a class A or class B felony, two class C or class D felo-

Chapter 5 Sources

Delinquent Acts

1. Can I commit a crime even though I'm not an adult?
I.C. 31-37-1-1; I.C. 31-32-2-6
2. What if I did something that I didn't know was a delinquent act?
Marmont v. State, 48 Ind. 21 (1874)
3. What is a delinquent act?
I.C. 31-37-1-2; I.C. 31-37-2-2
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I.C. 31-37-1-2; I.C. 31-37-2-2

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Terry v. Ohio, 392 U.S. 1 (1968)
2. When can a police officer search me or my belongings?
Terry v. Ohio, 392 U.S. 1 (1968); United States v. Robinson, 414 U.S. 218 (1973)
3. Can a police officer search my car without a warrant?
Carroll v. United States, 267 U.S. 132 (1925); United States v. Ross, 456 U.S. 798 (1982); Wyoming v. Houghten, 526 U.S. 295 (1999)
4. Can my parent or guardian give the police permission to search my bedroom?
Peterson v. State, 674 N.E.2d 528 (Ind. 1996)
5. What are Miranda warnings?
Miranda v. Arizona, 384 U.S. 436 (1966); Davis v. United States, 512 U.S. 452 (1994)
6. When do I receive my Miranda rights?
Berkemer v. McCarty, 468 U.S. 420 (1984); Rhode Island v. Innis, 446 U.S. 291 (1980)

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2. What happens if I am taken into custody?
I.C. 31-37-5-3; I.C. 31-37-5-5
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I.C. 31-32-2-1; I.C. 31-32-2-2; In re Gault, 387 U.S. 1 (1967); In re Winship, 397 U.S. 358 (1970); Klopfer v. North Carolina, 386 U.S. 213 (1967)
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In re Winship, 397 U.S. 358 (1970)
3. Can I waive my rights?
I.C. 31-32-5-1
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5. Are my rights in juvenile court different from the rights in adult court?
McKeiver v. Pennsylvania, 403 U.S. 528 (1971); Schall v. Martin, 467 U.S. 253 (1984); In re Oliver, 333 U.S. 257 (1948); I.C. 31-32-6-7; I.C. 31-32-6-2

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I.C. 31-37-17-6.1; I.C. 31-37-17-4; I.C. 31-37-17-1.1

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I.C. 31-37-18-1; I.C. 31-37-18-6; I.C. 31-37-18-9

9. What are some of the dispositional alternatives that the court can order if I am charged with a delinquent act?

I.C. 31-37-19-5; I.C. 31-37-19-6; I.C. 31-37-19-7

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12. What happens if I violate my probation?

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15. Can I ever be placed in a secure facility like a detention facility or the Department of Correction for committing a status offense?

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16. What is the Sex Offender Registry?

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Youth in the Adult Court

1. As a juvenile, can I be sent to adult court?

I.C. 31-30-1-4; I.C. 31-30-3

2. Which acts are direct file crimes, so that my case would go directly to the adult court?

I.C. 31-30-1-4

3. If I commit two acts at the same time, one that is not a direct file act and one that is a direct file act, will I have one case in adult court and one case in juvenile court?

I.C. 31-30-1-4; I.C. 35-34-1-9

4. What are the crimes that I can be waived on?

I.C. 31-30-3-2 – I.C. 31-30-3-6

5. What's the youngest age that I can be waived to the adult court?

I.C. 31-30-3-4

6. If I am sent to the adult court, will I return to the juvenile court if I break the law again?

I.C. 31-30-1-4; I.C. 31-30-3

Juvenile Record

1. Can my juvenile court record ever be destroyed?

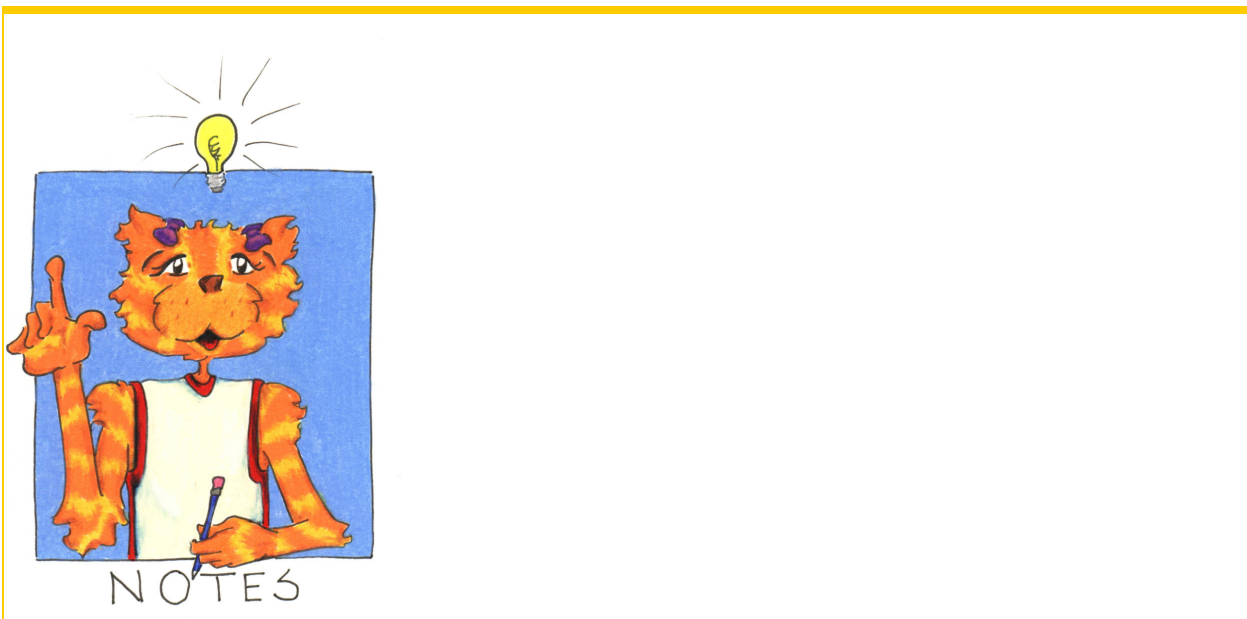
I.C. 31-39-8-2; I.C. 31-39-8-3; I.C. 31-39-8-6

2. If I have a juvenile record, what should I say on a job application when asked if I have ever been convicted of a crime?

I.C. 31-32-2-6

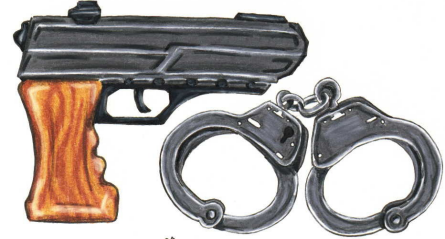
3. Can my juvenile record affect me as an adult?

I.C. 35-50-2-2.1



Criminal Offenses

As a juvenile, you cannot be convicted of a crime. However, it is important that you understand how crimes are classified, or ranked, because the prosecutor will list the classification on your delinquency petition and the classification may affect your disposition or sentencing if you are ever convicted of a crime in adult court. This chapter also explains some crime delinquent acts and status delinquent acts.



Crime Classifications

Since all crimes aren't the same, the punishments aren't the same. Crimes are put into categories, or classifications. The punishment depends on the classification.

1. What is a crime?

A crime is considered an offense against the state of Indiana even though there might be a single person who is the victim. A crime is an act for which an adult might be imprisoned or incarcerated if convicted, or found guilty. Remember, if you are under the juvenile court's jurisdiction, you cannot commit a crime. Instead, you commit a delinquent act.

Adult Crime Class	Sentence Range	Fine
Murder	45 - 65 years	\$10,000
A Felony	20 - 50 years	\$10,000
B Felony	6 - 20 years	\$10,000
C Felony	2 - 8 years	\$10,000
D Felony	½ - 3 years	\$10,000
A Misdemeanor	0 days – 1 year	\$5,000
B Misdemeanor	0 days – 180 days	\$1,000
C Misdemeanor	0 days – 60 days	\$500

2. What are the two crime classifications?

The two classifications for crimes are misdemeanors and felonies. A misdemeanor conviction results in an adult paying a fine and/or being incarcerated for no longer than one year. A felony conviction results in an adult paying a fine and/or being able to be incarcerated for more than one year.

3. What is an infraction?

An infraction is not considered a crime. An infraction is a violation of a law that results in an adult or youth having to pay a fine. No one can be incarcerated or detained for committing an infraction. Many traffic offenses and youth possession of tobacco products are infractions.

Infraction	Judgment
Class A	Up to \$10,000
Class B	Up to \$1,000
Class C	Up to \$500
Class D	Up to \$25

4. Does Indiana have the death penalty?

Yes. If you are at least age eighteen and commit murder, you can be sentenced to death or life in prison without parole if found guilty and convicted in adult court.

5. Can anyone under age eighteen be sentenced to death?

No. However, if you are age sixteen or seventeen at the time the murder was committed, you can be sentenced to life imprisonment without parole if found guilty and convicted in adult court.

Status Delinquent Acts

As described in Chapter 5, there are two types of delinquent acts. The first type of delinquent act is an act that would be a crime if performed by an adult (a crime delinquent act). The second type of delinquent act is a status offense. Status offenses are delinquent acts only because someone under age eighteen commits them. Adults cannot commit status offenses. Below are the definitions of all the status offenses.

1. What is incorrigibility?

Incorrigibility, or disobedience, is the status offense of being under age eighteen and continually disobeying the reasonable and lawful commands of your parent or guardian.

2. What is truancy?

Truancy is the status offense of being under age eighteen and not attending school (without being suspended, expelled, or having withdrawn from school).

3. What is runaway?

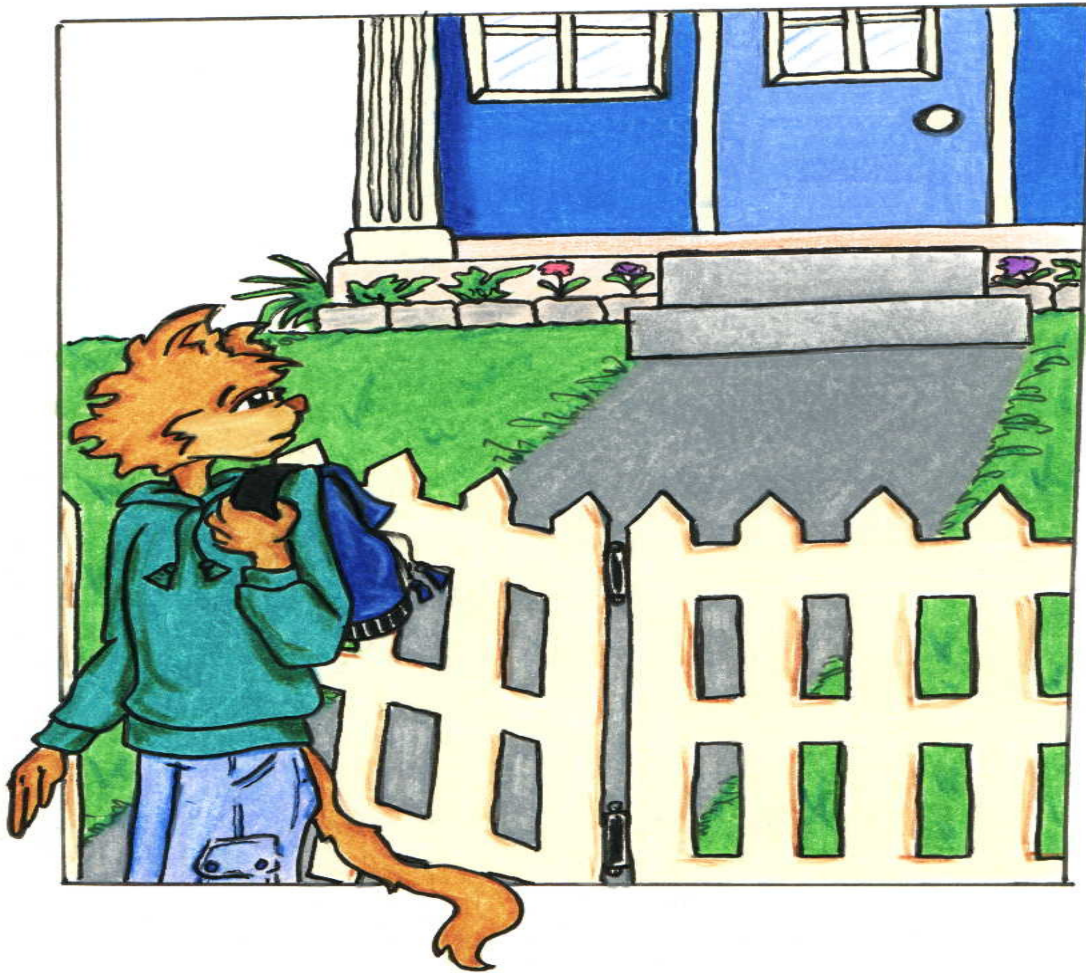
Runaway is the status offense of being under age eighteen and leaving home without a good reason and without permission from your parent or guardian, who has requested that you return home. (Note that there is not a period of time that you have to be away. The act of leaving is what makes you a runaway, not how long you stay away from home.)

4. What status offenses involve minors and alcohol?

Possessing or using a fake identification card (I.D.) to obtain alcohol, possessing or drinking alcohol, transporting alcohol on a highway without your parent or guardian, or going into a bar are status offenses if you are under age eighteen. If you are between ages eighteen and twenty, then the acts become infractions or misdemeanor crimes and are under adult court jurisdiction.

5. What is a curfew violation?

If you are under age eighteen, then you have a curfew or times when you cannot be in public. If you are fifteen, sixteen, or seventeen years old, you cannot be in a public place after 1:00 a.m. and before 5:00 a.m. on Saturdays and Sundays. On Sundays through Thursdays,



you cannot be in a public place after 11:00 p.m. If you are younger than fifteen years old, you cannot be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.

However, there are some exceptions to both sets of rules. You have a defense to the charge of curfew violation if:

- You are emancipated (See Chapter 8 for information on emancipation.);
- You are with your parent or guardian, or with another adult approved by your parent or guardian;
- You are going to, at, or returning from: work, a school activity, a religious event, an emergency involving protect-
- ing a person or property from an immediate threat of serious bodily injury or substantial damage;
- You are taking part in an activity involving the exercise of your First Amendment rights (free speech);
- You are taking part in an activity put on by a nonprofit organization or a government agency that is supervised by at least one adult;
- You are taking part in an activity and have written permission from your parent or guardian; or
- You are passing through Indiana while traveling from one out-of-state location to another.

Crimes Against the Person

The following offenses are crime delinquent acts. The crimes are "crimes against the person." Crimes against the person directly injure, attempt to injure, or threaten to injure a person's body. Murder, kidnapping, rape, criminal deviate conduct, armed robbery or robbery causing injury, and carjacking are all crimes against the person that are direct file crimes if you are age sixteen or older. (See Chapter 5 for definitions for the crimes listed above.)

1. What is the difference between murder and manslaughter?

Murder is intentionally killing some-



one or unintentionally killing someone while committing another crime such as arson, burglary, rape, carjacking, or dealing drugs. There are two types of manslaughter offenses. Voluntary manslaughter is intentionally killing someone while acting under sudden and intense passion. Involuntary manslaughter is killing someone while also committing or attempting to commit battery, a class A misdemeanor, a class C felony, or a class D felony that poses a risk of serious bodily injury.

Remember that if you are at least age sixteen, murder is a direct file crime and your case will go to the adult court. However, if you commit voluntary or involuntary manslaughter, then your case will go to the juvenile court. (Waiver to the adult court is still a possibility.)

2. What if I get angry and shove someone but no one gets hurt?

The offense of battery is knowingly or intentionally touching another person in a rude or angry manner. You don't need to cause injury or pain to commit the delinquent act of battery.

3. What if I provoke someone to hit me?

If you engage in conduct that is likely to make a reasonable person commit battery or hit you, then you have committed the delinquent act of provocation.

4. What is robbery?

Robbery is taking property from another person by using or threatening the use of force on any person or by putting any person in fear.

5. Can I have sex with my girlfriend or boyfriend?

If you have sex with someone under age fourteen, then you are committing the delinquent act of child molesting. If someone age eighteen or older has sex with a youth age fourteen or fifteen or touches or fondles such youth for either the youth's or his/her own arousal, then that person has committed the crime of sexual misconduct with a minor.

6. What happens if I am involved with a hazing ritual?

Hazing means having someone do an act that creates a risk of substantial bodily injury to be part of a group or organization. Hazing is a delinquent act, and it doesn't matter if the person wants to participate in the hazing. If you are willing to be the one who is hazed, then you are committing the delinquent act of criminal recklessness.

The law states that if you know of someone being hazed or see a hazing but make a report to the police or participate in legal proceedings against the other people involved in the hazing, then you will be protected against becoming a defendant in a criminal or civil case.

Crimes Against Property

The following offenses are more crime delinquent acts. These crimes are "crimes against property." Crimes against property are crimes that affect people's belongings or property.

1. What are theft, conversion, and receiving stolen property?

The delinquent act of theft is having someone else's belongings, without permission, with intent to deprive that other person of any part of the belonging's value or use. Conversion is the delinquent act of having someone else's belongings without permission. It is also a delinquent act to receive, keep, or get rid of stolen property. Shoplifting is either theft or conversion.

2. Can I take someone's car without his or her permission?

No. If you take someone's car or vehicle without permission, and if you intend to deprive the owner of the vehicle of the vehicle's value or use, then you commit the delinquent act of auto theft. Auto theft is also taking a component part of the car, such as the engine, a transmission, a body-chassis, a doghouse (front assembly), a rear-end, or a frame, without permission.

3. What is criminal trespass?

You've probably seen "No Trespassing" signs. You commit the delinquent act of criminal trespass if you enter someone's property after that person has told you or



posted a sign telling you not to enter. Criminal trespass is also refusing to leave the property after being asked to leave, riding in a vehicle that you know has been stolen, interfering with the possession or use of someone else's property without their consent, and entering someone's house without permission.

4. What is burglary?

The delinquent act of burglary is breaking and entering someone's house or building so that you can commit a felony, such as theft, rape, or murder.

5. Can I use my personal computer to access a school computer?

No. If you approach, instruct, communicate with, store data in, retrieve data from, or make use of resources of a computer, computer system, or computer network without the consent of the computer system's or computer network's owner, then you commit the delinquent act of computer trespass.

6. Can I send e-mail viruses to people?

If you knowingly or intentionally alter or damage a computer program or data, which comprises a part of a computer system or computer network, with-

out the consent of the owner of the computer system or computer network, then you commit the delinquent act of computer tampering.

Offenses Against Public Administration and Public Order

The following offenses are crime delinquent acts or infractions. These offenses focus on interacting with the police and keeping an orderly society. Criminal gang activity and criminal gang intimidation are crimes against public order that are direct file crimes if you are age sixteen or older. (See Chapter 5 for definitions of the crimes listed above.)

1. What is resisting law enforcement?

Resisting law enforcement is the delinquent act that many youth commit. Resisting law enforcement is resisting or interfering with the police, or someone assisting the police, while the officer is engaged in police duties. Resisting law enforcement is also fleeing, or running, from a police officer after the officer has identified himself or herself and ordered you to stop.

2. What is disorderly conduct?

Disorderly conduct is another delinquent act that many youth commit. Disorderly conduct is engaging in fighting or agitating behavior or making unreasonable noise after being asked to stop. Disorderly conduct is also disrupting a lawful gathering of people.

3. Can I make a prank phone call?

No. A prank phone call is a form of harassment. The delinquent offense of harassment includes calling someone to harass, annoy, or alarm with no purpose of legitimate communication. So long as you make the call with the intent to bother someone, you are harassing that person. It doesn't matter whether or not a conversation occurs. Remember that most people have caller ID on their telephones.

4. What if I throw my soda can out of the car window?

Littering is an infraction, which means you will have to pay a fine. Littering is putting solid waste or semi-solid waste (for example, your trash) on someone else's property that is not in a container provided for waste. It's also an infraction to throw a burning cigarette, cigar, or match from a moving car.

Guns and Weapons

Sadly, many Indiana youth are using guns and weapons to harm themselves and others. Carrying a handgun without a license, possessing a firearm, and dealing in a sawed-off shotgun are direct file crimes if you are age sixteen or older. (See Chapter 5 for definitions of the crimes listed above.) Read the following section to learn the laws regarding guns and weapons so that you can protect yourself and others.

1. What happens if I have a gun or give a gun to someone else?

It is a criminal offense for someone under age eighteen to possess a firearm or give a firearm to another child. Remember that a firearm is any weapon designed to project an object with an explosion. This offense is a direct file crime if you are age sixteen, meaning that your case will be filed in adult court. The judge can send you to a quasi-military program (boot camp) for rehabilitative purposes.

However, it is not an offense to possess a firearm if you are:

- Attending a hunter safety course or a firearms safety course;
- Engaging in target shooting practice at an established range or in an area where the discharge of a firearm is not prohibited or supervised by a qualified firearms instructor or an adult;
- Engaging in an organized competition involving the use of a firearm;
- Hunting or trapping under a valid license;
- Traveling with an unloaded firearm to or from an activity described in this section;
- On your parent's, adult family member's, or guardian's property with permission from your parent or guardian to possess the firearm; and
- At your home with permission from your parent, an adult family member, or guardian to possess a firearm.

2. What happens if I bring a gun to school?

If you have a firearm on school property, at a school function, or on a school bus, then you commit the delinquent act of possessing a firearm on school property. Again, if you are age sixteen or older, your case will go to adult court. You can also be expelled from school for one calendar year. (See Chapter 9 for information on school expulsion.)

3. Can I have a stun gun, automatic blade, or machine gun?

No. Youth under age eighteen cannot buy or possess a stun gun. No matter what your age, it is an offense to possess a knife with a blade that opens automatically or after pushing a button on the handle. Also, regardless of age, it is an offense to possess or use an automatic machine gun.

4. What happens if I use a firearm during another delinquent act?

If you use a gun while committing another delinquent act, you can receive a more serious disposition. In adult court, if you use a gun while committing certain offenses, such as kidnapping or dealing drugs, you can be sentenced to an additional five years in prison.

Alcohol, Tobacco, and Drugs

As you know, many Indiana youth drink alcohol, smoke cigarettes, and use drugs.

This section discusses the laws that involve alcohol and drug use.

Alcohol

1. When can I buy and drink an alcoholic beverage?

You cannot buy or drink an alcoholic beverage until you are age twenty-one. It is a status delinquent offense for you, under age eighteen, to possess and drink alcohol. You also are not able to transport alcohol on a public highway unless at least one parent or guardian accompanies you.

If you possess, drink, or transport alcohol while operating a motor vehicle,

the court will suspend your driver's license for at least sixty days.

2. Can my parents give me permission to drink at home?

No one can give you permission to drink alcohol if you are under age twenty-one. If your parents are over age twenty-one and encourage you to unlawfully possess alcohol, then they are committing an infraction called aiding unlawful possession.

3. Can I hold an alcoholic drink if I don't drink it?

No. You cannot possess, or hold, an alcoholic beverage.



4. What will happen if I buy alcohol using a fake ID or someone else's ID?

It is an infraction for you, as a minor, to make a false statement about your age or to give false evidence of your age to purchase or obtain alcohol. If you use a fake or altered driver's license, or someone else's driver's license, or are convicted of purchasing or obtaining alcohol with or without the fake or altered ID, then your driver's license will be suspended for up to one year. It is also an infraction to have fake identification with the intent to obtain alcohol, even if you don't actually obtain alcohol.

5. What if the driver of a car has an alcoholic beverage?

The driver can be charged with an infraction if the driver knows a container has been opened, has a broken seal, or has had contents removed from it by someone in the passenger compartment of the vehicle. A driver who knowingly drinks alcohol commits an infraction.

6. What is an OWI?

"OWI" stands for Operating (a vehicle) While Intoxicated. The legal limit is .08 blood-alcohol concentration ("BAC"). If your BAC level is .08 or above, then you are considered intoxicated. Having a BAC of .08 to .15 is a class C misdemeanor, and your case will go to the juvenile court. However, if you are under age twenty-one and have a BAC of .02-.08, then you commit an infraction. The juvenile court does not have jurisdic-

tion over traffic offenses that are not misdemeanors. (See Chapter 4 for juvenile court jurisdiction.) Instead of juvenile court, your case will go to traffic court. If you have *any* BAC level, you may be charged with illegal consumption of alcohol, which is a status offense in juvenile court. If you have a BAC of .02-.08, your license may be suspended for up to one year.

7. What happens if I am pulled over when driving and refuse to take a breathalyzer test?

If the police officer believes that you have been drinking alcohol, the officer may ask you to take a breathalyzer test. To take a breathalyzer test, you blow air into a device that measures the alcohol content of your breath. If you refuse to take the test, your driver's license will be suspended. The suspension might last for one year. The police officer will take your driver's license or driver's permit, and you will not be permitted to drive home.

8. Can I serve alcohol in a restaurant if I'm a waiter?

It is against the law for anyone under age eighteen to deal with alcohol at a place where alcoholic beverages are sold or given away for people to drink. You cannot sell, give, or have anything to do with alcoholic beverages at your work.



9. What's the difference between public intoxication and minor consumption?

Public intoxication is being in public while you are drunk. If you are arrested for public intoxication, you are arrested for a crime delinquent act. Minor consumption is drinking alcohol while you are under age eighteen. If you are arrested for minor consumption, you are arrested for a status delinquent act.

Tobacco

1. When can I buy and smoke cigarettes or use tobacco products?

You can buy and smoke cigarettes or buy and use tobacco products when you are age eighteen. If you possess, use, or buy cigarettes or other tobacco products before you are age eighteen, you commit an infraction.

2. Can I work in a store that sells tobacco?

Yes. Even if you are under age eighteen, you can possess tobacco as part of your job responsibilities.

Other Drugs

1. What are Schedule drugs?

Drugs, including prescription drugs, are put into classifications called schedules. There is a Schedule I (1), II (2), III (3), IV (4), and V (5). The different schedules represent different characteristics about the drugs. For example, Schedule I (1) drugs have a high potential for abuse and have no accepted medical use. Alternatively, Schedule V (5) drugs have a lower potential for abuse than the drugs in Schedule IV (4), have accepted medical use, and have limited physical or psychological dependence.

2. What does dealing drugs mean?

Dealing drugs includes making and delivering drugs or financially supporting the making of drugs or delivering of drugs. Dealing drugs also includes possessing drugs with the intention to make, deliver, or financially support the making or delivering of drugs.

Remember, if you are at least age sixteen, dealing drugs is a crime you can be waived on, so your case could be sent to the adult court. Regardless of whether your case stays in juvenile court or goes to adult court the first time, your case will go to the adult court the second time

you deal drugs.

3. What if I only hold drugs for a friend but don't take them or sell them?

If you know that you are holding drugs or keeping them in your possession, then you commit the delinquent act of possessing drugs. If you are age sixteen, possessing drugs is a crime for which you can be waived to the adult court.

4. What does paraphernalia mean?

Paraphernalia is a word that means the materials, devices, or instruments that help you to use drugs, test the strength or purity of a drug, or enhance the drug's effect on the body. It is a delinquent act to make, possess, or deal paraphernalia.

5. What if I have something that looks like a drug, but isn't really a drug?

If you possess, deal, or make a substance that looks like a drug, you can be charged with dealing or possessing a look-a-like substance or a counterfeit substance. In order to see whether you intended to present the fake substance as a drug, the judge will look at how you packaged the fake substance, what you said to others about the fake substance, and whether you were paid money for the substance.

6. What if I deal drugs or bring drugs to school?

Bringing drugs on a school bus or

within 1,000 feet of a school, public park, family housing complex, or a youth program center is viewed by the judge as being more serious than dealing or possessing drugs where youth are not present.

For example, if you deal marijuana, the crime is a class A misdemeanor. However, if you deal marijuana on school property, the crime is a class C felony. Even though the dispositions in juvenile court are discretionary, or up to the judge, you will probably receive a more restrictive, or serious, disposition if your delinquent act is on school property.

7. Are marijuana, cocaine, or methamphetamines considered drugs?

Yes. Many Indiana youth don't realize that it is against the law to have marijuana, cocaine, or methamphetamines. Possession of cocaine or methamphetamines is a class C felony. Possession of marijuana is a class A misdemeanor. However, the crime classifications increase depending on how much of the substance you have and where you have it. (See the above question for more information.)

8. What is a legend drug?

A legend drug is a prescription drug that can have a harmful effect if it is not used under the supervision of a doctor. It is a delinquent act to use or possess a legend drug without a prescription by a doctor.

Chapter 6 Sources

Crime Classifications

1. What is a crime?
I.C. 31-9-2-29; I.C. 31-32-2-4
2. What are the two crime classifications?
I.C. 35-50-2-3 – I.C. 35-50-2-7; I.C. 35-50-3-2 – I.C. 35-50-3-4
4. Does Indiana have the death penalty?
I.C. 35-50-2-3
5. Can anyone under age eighteen be sentenced to death?
I.C. 35-50-2-3

Status Delinquent Acts

1. What is incorrigibility?
I.C. 31-37-2-4
2. What is truancy?
I.C. 31-37-2-3
3. What is runaway?
I.C. 31-37-2-2
4. What status offenses involve minors and alcohol?
I.C. 31-37-2-6
5. What is a curfew violation?
I.C. 31-37-2-5; I.C. 31-37-3-2; I.C. 31-37-3-3; I.C. 31-37-3-3.5

Crimes Against the Person

1. What is the difference between murder and manslaughter?
I.C. 35-42-1-1; I.C. 35-42-1-3; I.C. 35-42-1-4
2. What if I get angry and shove someone but no one gets hurt?
I.C. 35-42-2-1
3. What if I provoke someone to hit me?
I.C. 35-42-2-3
4. What is robbery?
I.C. 35-42-5-1
5. Can I have sex with my girlfriend or boyfriend?
I.C. 35-42-4-9; I.C. 35-42-4-3
6. What happens if I am involved with a hazing ritual?
I.C. 35-42-2-2

Crimes Against Property

1. What are theft, conversion, and receiving stolen property?
I.C. 35-43-4-2; I.C. 35-43-4-3

2. Can I take someone's car without his or her permission?
I.C. 35-43-4-2.5
3. What is criminal trespass?
I.C. 35-43-2-2
4. What is burglary?
I.C. 35-43-2-1
5. Can I use my personal computer to access a school computer?
I.C. 35-43-2-3
6. Can I send e-mail viruses to people?
I.C. 35-43-1-4

Offenses Against Public Administration and Public Order

1. What is resisting law enforcement?
I.C. 35-44-3-3
2. What is disorderly conduct?
I.C. 35-45-1-3
3. Can I make a prank phone call?
I.C. 35-45-2-2
4. What if I throw my soda can out of the car window?
I.C. 35-45-3-2; I.C. 35-45-3-3

Guns and Weapons

1. What happens if I have a gun or give a gun to someone else?
I.C. 35-47-10-5; I.C. 35-47-10-10
2. What happens if I bring a gun to school?
I.C. 35-47-9-2
3. Can I have a stun gun, automatic blade, or machine gun?
I.C. 35-47-5-2; I.C. 35-47-8-5; I.C. 35-47-5-8; I.C. 35-47-5-9
4. What happens if I use a firearm during another delinquent act?
I.C. 35-50-2-11; I.C. 35-50-2-13

Alcohol, Tobacco, and Drugs

Alcohol

1. When can I buy and drink an alcoholic beverage?
I.C. 7.1-1-3-25; I.C. 7.1-5-7-7
2. Can my parents give me permission to drink at home?
I.C. 7.1-5-7-15
3. Can I hold an alcoholic drink if I don't drink it?

I.C. 7.1-5-7-7

4. What will happen if I buy alcohol using a fake ID or someone else's ID?

I.C. 7.1-5-7-1; I.C. 7.1-5-7-3

5. What if the driver of a car has an alcoholic beverage?

I.C. 9-30-15-3; I.C. 9-30-15-4

6. What is an OWI?

I.C. 9-30-5-1; I.C. 9-30-5-8.5

7. What happens if I am pulled over when driving and refuse to take a breathalyzer test?

I.C. 9-30-6-7; I.C. 9-30-6-9

8. Can I serve alcohol in a restaurant if I'm a waiter?

I.C. 7.1-5-7-12

9. What's the difference between public intoxication and minor consumption?

I.C. 7.1-5-1-3; I.C. 31-37-2-6

Tobacco

1. When can I buy and smoke cigarettes or use tobacco products?

I.C. 35-46-1-10.5

2. Can I work in a store that sells tobacco?

I.C. 35-46-1-10.5

Other Drugs

1. What are Schedule drugs?

I.C. 35-48-2-3 – I.C. 35-48-2-12

2. What does dealing drugs mean?

I.C. 31-30-2-3; I.C. 35-48-4-1 – I.C. 35-48-4-5; I.C. 35-48-4-10

3. What if I only hold drugs for a friend but don't take them or sell them?

I.C. 31-30-2-3; I.C. 35-48-4-5—I.C. 35-48-4-7; I.C. 35-48-4-11

4. What does paraphernalia mean?

I.C. 35-48-4-8.1; I.C. 35-48-4-8.3; I.C. 35-48-4-8.5

5. What if I have something that looks like a drug, but isn't really a drug?

I.C. 35-48-4-4.5; I.C. 35-48-4-4.6; I.C. 35-48-4-5

6. What if I deal drugs or bring drugs to school?

I.C. 35-48-4-10

7. Are marijuana, cocaine, or methamphetamines considered drugs?

I.C. 35-48-4-6; I.C. 35-48-4-11

8. What is a legend drug?

21 U.S.C. 353(b)(1); I.C. 16-42-19-13; I.C. 16-42-19-27



Civil Liability



Chapter 7

You not only have many rights under the law, but you also have many responsibilities. A serious responsibility is the duty you owe to others to not harm them or their property. When you fail in that duty, you may be liable, or legally responsible, for the harm. The news is filled with information about lawsuits. To bring a lawsuit against someone means to start a case in civil court for damages.

Torts

When you fail in your duty to not harm other people or their property, you commit a tort. Intentional torts are when you do something intending to cause someone harm. Unintentional torts are when your failed duty to use reasonable care causes someone damages.

1. Can I sue someone or be sued even though I'm under age eighteen?

Yes. The civil court judge may appoint an adult to help you. This adult is called "next friend." The judge may also appoint a Guardian ad Litem ("GAL") to help represent your best interests. A GAL is an adult who has been trained to research, investigate, and advocate for you in court.

2. If I damage someone else's property, can my parent or guardian be held responsible for the damage I caused?

If you intentionally damage someone or their property, your parent is responsible for paying up to \$5,000 in dam-

ages if your parent has custody of you and you are living with that parent. Your parent may have to pay more than \$5,000 if the damage you cause is due to your being in a gang if your parent encourages you to be in the gang or benefits from your being in the gang. As mentioned above, your parent must have custody of you and you must be living with the parent. Also, your parent must have failed to use reasonable efforts to prevent you from being in the gang.

3. Do torts only involve damage to property or physical injury?

No. There are some torts that damage how a person relates to other people in society. Defamation is a tort that includes written or spoken expressions about a person that is intended to negatively affect that person's reputation. There are two types of defamation: libel and slander. Libel is defaming someone in writing or some other permanent form. Slander is defaming someone by using spoken words. Defamatory language also includes pictures or actions.

4. How can I express my opinion without getting into trouble?

In order for you to be held liable for defamation, you must write or say something about another person with the intention to negatively affect that person's reputation. What you say or write must identify that person to a reader, listener, or viewer and must damage the person, perhaps by making that person lose

friends or be humiliated. However, a defense to defamation is telling the truth. If what you speak is the truth, then you should not get into trouble.

5. What about my First Amendment rights?

The First Amendment of the United States Constitution states that the government can't keep you from saying or writ-



ing what you want (along with the government can't make everyone belong to a particular religion, can't interfere with the exercise of your religion, and can't keep people from gathering to protest or unite for a cause). Your right to freedom of belief is absolute; the government can't keep you from thinking something. However, your expression of your belief can be limited to ensure that other people are safe and protected. So even though you have a right to voice your opinion, among other things, you can be held responsible for what you say if you damage someone's reputation. That is why you can be taken to court for committing the tort of defamation.

Contracts

A contract is a promise, or set of promises, to do or not to do something. One person must offer, or promise, *to do* something or *to not do* something and one person must accept the offer. (Contracts can be made among more than two people.) The person accepting the offer must promise to give the person making the offer some kind of payment. If either person doesn't hold up to their promise, then he or she is in breach of the contract. If you are in breach, meaning you did not follow the contract, then the other person can sue you to make you follow the contract.

An example of a contract is a lease to an apartment. The landlord, or person managing the apartment, is promising to

provide a home. The renter, or person wanting to move into the apartment, is promising to pay money for the home. If the renter stops paying money for the apartment, then the renter is in breach of the contract. The landlord can sue the renter in civil court and ask the judge to order the renter to pay the money.

1. Can I enter into a contract?

Yes, you can enter into a contract even though you are not age eighteen, the age of majority or adulthood. However, the contract is a voidable contract since you are under age eighteen. A voidable contract is a contract where you can decide whether you want to follow it. The general rule is that anytime before you are age eighteen, you can decide not to follow the contract without being in breach. However, a judge may authorize and enforce the contract if making you comply with the contract is in your best interests.

2. What happens if I need to enter into a contract for something necessary?

If you enter into a contract for necessities, then the contract is not voidable, even if you are under age eighteen. A necessity is something that you need to help you survive, like an apartment, household items, clothing, and medical care. Something that is a necessity for you may not be a necessity for someone else.

Chapter 7 Sources

Torts

1. Can I sue someone or be sued even though I'm under age eighteen?

I.C. 34-9-2-1; Indiana Trial P. Rule 17

2. If I damage someone else's property, can my parent or guardian be responsible for the damage I caused?

I.C. 34-31-4-1; I.C. 34-31-4-2

Contracts

1. Can I enter into a contract?

I.C. 26-1-1-103; I.C. 29-3-4-2

2. What happens if I need to enter into a contract for something necessary?

Scott County School Dist. 1 v. Asher, 324 N.E.2d 496 (Ind. Ct. App. 1975)



Parent-Child Relationship

Relationships are very important to youth as they grow and obtain more independence and establish their own identity. Family relationships are extremely important during this time. There are many laws governing family relationships, including marriage, emancipation, paternity, and guardianships. There are also many laws designed to protect and keep youth safe.



Marriage

Marriage is a legal contract between two people who love each other enough to become legally responsible for each other.

1. When can I get married?

You can marry when you are age eighteen. If you are at least age seventeen, you can marry if you get written permission from your parent or guardian. If you are under age seventeen, you can marry if you get the judge's permission.

Emancipation

There might be times when you feel as though you are able to live on your own without your parent's or guardian's help. There are laws that explain when youth can be emancipated, or are able to live on their own before they are age eighteen. As you will read below, not all youth are able to be emancipated.

1. What does emancipation mean?

If you are emancipated, you can make decisions about your life without your parent's or guardian's permission. Your parent or guardian no longer has the right to your control, custody, or to the money you make. Your parent or guardian also no longer has to financially support you. You can consent to your own marriage and to medical, psychological, psychiatric, educational, and social services. You can enlist in the military, enter into contracts, and own property. However, you must still attend school and are still under the jurisdiction of the juvenile court.

2. How do I get emancipated?

Emancipation is a dispositional alternative for delinquent youth and youth who are CHINS. (See below for CHINS information.) Therefore, unless you have been adjudicated a delinquent youth or found to be a CHINS, you cannot be

emancipated from your parents. However, even if you are a youth who can be emancipated, know that the juvenile judge does not emancipate youth very often. To be emancipated, the judge must decide that you no longer want to be under your parent's or guardian's control or protection, that you have enough money to support yourself, that you understand what it means to be free from your parent's or guardian's control and protection, and that you have an acceptable plan of how you will live on your own.

Paternity, Child Support, and Custody

Mothers and fathers are responsible for taking care of their children, regardless of whether the mother and father are married. Most mothers and fathers can get along and make decisions together about how to care for their children. However, there are laws that help parents who have a hard time getting along.

1. What is paternity?

Paternity means legally establishing who the biological father of a child is. Once the father has been legally established, the father is entitled to visitation or custody and is financially responsible for the care of the child. If a woman is married and has a child, her husband is legally presumed, or considered, the biological father. If a child is born within 300 days of the divorce, then the ex-husband is presumed to be the biological father.

2. If I am a mother or father and not married, how do I prove paternity of my child?

There are two ways to establish paternity. The first way is by having a blood test or genetic test to match the DNA between the child and the potential father. The second way is by the mother and the father completing a paternity affidavit. A paternity affidavit is a sworn written statement that the person identified as the father is the child's biological father. A paternity affidavit can be completed at the hospital where the baby is born, within 72 hours of the baby's birth, or at the local health department, before the child is age twenty. Simply having the father's name on the birth certificate does not establish paternity.

3. How do I prove paternity if the other parent is not willing to cooperate?

You can contact your local county prosecutor's office to help you establish paternity. The prosecutor's office will also help you obtain a child support order and will help enforce the order. The prosecutor's office will also help establish custody and visitation for the child. Visit the website www.in.gov/dcs/support/ for more information.

4. What is child support?

Child support is the amount of money each parent is court-ordered to pay to take care of his or her child. In determining the amount of child support, the



judge will consider factors such as the financial resources of both parents and the medical and educational needs of the child. Both parents will have to fill out a child support worksheet. The child support worksheet lists the parents' income and expenses and helps the judge calculate what each parent is able to pay. If

you refuse to pay the court ordered amount, the county prosecutor will enforce and collect child support payments through ways such as taking money directly out of your paycheck or suspending your driver's license. You cannot escape your duty to pay for your child by not having a job. If you do not pay the court ordered child support amount, you can be held in contempt of court and be sent to jail.

5. How is custody determined?

If the parents aren't married, the mother has sole legal custody of the child, unless the judge makes an order saying otherwise. Having sole legal custody means having the child live with you and being able to make all the decisions about the child's medical, educational, and religious upbringing. In deciding whether it is in the best interest of a child to live with the mother or father, the judge looks at factors such as the age and sex of the child, the medical and educational needs of the child, and the wishes of the par-

ents.

6. What visitation will the other parent have?

After establishing paternity, the judge will conduct a hearing to determine the issues of custody and visitation. The noncustodial parent, or the parent the

child doesn't live with, is entitled to reasonable visitation unless the judge finds that visitation with the parent might harm the child's physical or emotional health or development. If the judge is afraid the parent might harm the child, the judge can stop visitation or order supervised visits, meaning that the parent can only visit with the child when another adult is present. The judge can modify, or change, an order granting or denying visitation rights whenever it is in the best interest of the child.

7. Can custody change between the parents?

Yes. Either parent can ask for a change of custody when it is in the best interest of the child and there is a substantial change, or major change, in circumstances from when the last custody order was put into effect.

Guardianship

There is a presumption that it is in the best interest of a child to live with his or her parents. However, in some cases, the parents are not able to take care of their



child but someone else is willing to take care of the child. The procedure for legally taking responsibility for someone else's child is called guardianship over a minor. Minor is another word for someone under age eighteen.

1. What is a guardianship?

Having guardianship over someone means being legally responsible for that person. If an adult has guardianship over a child, then the adult is taking on the responsibility as a parent. The guardian can make all the decisions that a parent can. The guardian must take care of the child and provide a home, food, and clothing.

2. When does the guardianship end?

The guardianship ends when the parent asks the court for a hearing to show that he or she is willing and able to take care of his or her child again. Otherwise, the guardianship will end when the child turns age eighteen.

Child Abuse and Neglect

Unfortunately, some Indiana youth are abused or neglected. It is everyone's duty to make sure that youth are protected from harm.

1. Who has to report child abuse or neglect?

Anyone who has reason to believe that someone under age eighteen is a victim of child abuse or neglect is required to make a report to the police or child pro-

tective services ("C.P.S."). C.P.S. is a unit of your county's office of Department of Child Services ("D.C.S."). C.P.S. investigates child abuse and neglect reports. It is a class B misdemeanor to not make a child abuse or neglect report when you know that abuse or neglect is happening. It's also a class A misdemeanor to make a false child abuse or neglect report. (See Chapter 6 for information on class A and class B misdemeanors.)

2. What happens if someone makes a report that I am being abused or neglected?

A C.P.S. investigator will visit you to make sure that you are safe. The investigator may visit your home, interview you, take pictures of you, or have a doctor examine you. The investigator will try to find out whether you were abused or neglected by gathering evidence. If there is credible, or believable, evidence that the abuse or neglect occurred, the investigator will *substantiate* the report. However, if the investigator finds credible evidence that the abuse or neglect did not occur, the investigator will *unsubstantiate* the report.

3. Will I have to leave home if an abuse or neglect report is substantiated?

Sometimes, but not in every case is a child removed from the home with a substantiated child abuse or neglect report. Sometimes, the person who abuses the child is a parent, relative, or someone

else living in the house. By law, C.P.S. has a duty to first use reasonable efforts to provide your family services so you can stay in your home and be safe. C.P.S. does not want to remove you from your home, but it does have a duty to remove you from your home if you cannot be safe there. If you are removed from your home, the judge will try to place you with one of your relatives. If you don't have a relative you can live with, you can live with a foster family. You cannot be put in a secure detention facility, which is a place where the doors are locked and you cannot leave. If you are placed in a facility that is not a foster home, it must be a facility that doesn't prevent you from leaving, or a non-secure facility. If at first you are safe at home, but later are not safe, C.P.S. or D.C.S. can ask the judge to put you into a safe home.

4. What is a foster parent or foster care?

If you are put into foster care, then you will live with a foster parent. A foster parent is someone who you are not related to. The foster parent will provide you with care and supervision.

5. How long will I stay away from my home?

After you are removed from your



home, you will have a detention hearing in the juvenile court within 48 hours, excluding Saturdays, Sundays, and legal holidays, of leaving your home. You and your parent will be told the time and date of the hearing. At the detention hearing, the judge will decide whether it is safe for you to go home. Even if your parent is not the person who abused or neglected you, your parent has the responsibility to keep you safe from abuse by other people. The judge might order you to live away from your parent for a period of time if it is necessary for your protection, if you are

unlikely to appear for other court hearings, if you have a reasonable basis for not wanting to go home, if your parent cannot be located or is unable to take you home, or if the court finds that you cannot be safe in the home even if your parent is offered services. You will return home when the judge feels you can be safe at home again. The amount of time this takes is different in every case, depending on the facts of the case.

6. What is an S.R.A.?

"S.R.A." stands for Service Referral Agreement. If C.P.S. substantiates a report of abuse or neglect, it may offer your parent a chance to participate in services to prevent abuse or neglect from happening in the future. An S.R.A. is a voluntary agreement between C.P.S. and your parent. Under the agreement, your parent agrees to participate in services to prevent further abuse and neglect. The services must be completed in six months. If your parent does not complete the services in six months, then the S.R.A. is cancelled and your parent will be added to the child abuse registry. C.P.S. may take further actions if necessary to protect you.

7. What is the Child Abuse Registry?

The Child Abuse Registry is a computer system that holds certain categories of substantiated abuse reports. The information is confidential, but police and D.C.S. members can access the information. You may have to sign a consent form for your employer to access the reg-

istry if you want a job dealing with children; your employer will make sure you are not on the Child Abuse Registry as an offender.

CHINS Proceedings

When youth are abused or neglected and are unlikely to receive protection from their parents, the D.C.S. attorney will bring a case in the juvenile court to require the parents to receive services, such as counseling or drug treatment, so the parents can protect their children. These cases are called CHINS cases. CHINS cases are not criminal cases against the people who abuse youth. CHINS cases are civil cases against the parents for not keeping their children safe.

1. What does CHINS mean?

A "Child In Need of Services," or CHINS, is someone under age eighteen who needs care, treatment, or rehabilitation that he or she is not receiving and is unlikely to receive without the judge taking action. Youth who are CHINS may also have a physical or mental condition caused by the parent or guardian refusing to give or not being able to give food, clothing, shelter, medical care, education, or supervision. The youth may also have a physical or mental injury caused by something the parent did or didn't do or be the victim of a sex offense that the parent allowed to happen.

2. What rights do my parents have in CHINS proceedings?

Your parent is a party in the CHINS proceeding and has the right to receive notice of all hearings. Your parent also has the right to cross-examine, or question witnesses, to obtain evidence that the D.C.S. attorney has, and to introduce evidence on his or her own behalf. Your parent has the option of hiring an attorney, but only has the *right* to have an attorney if he or she does not have the money to pay for an attorney. If your parent meets the financial requirements to obtain an attorney, then it is up to the judge to decide whether to appoint an attorney for your parent.

3. What rights do I have in CHINS proceedings?

In a CHINS case, you are a party to the case, meaning that you can be present at all the hearings and receive notice of when and where the hearings will be held. However, you can be kept out of a hearing if a party shows there is a good reason for you to be kept out. At the hearings, you have the ability to cross-examine witnesses, or to ask them questions, obtain the evidence that the D.C.S. attorney and your parent have, and to introduce evidence on your own behalf. You do not have the right to an attorney, although the judge can appoint an attorney or a CASA or GAL to represent you. (See below for information on CASAs and GALs.)

4. What is the P.I. in abuse and neglect cases?

An intake officer, or D.C.S. caseworker, will write a report called the P.I., or preliminary inquiry, if they believe a child should be a CHINS. The P.I. explains why the child should be a CHINS. Like in the juvenile delinquency system, the P.I. should include information on your background, current status, and school performance. The caseworker will send the P.I. to the D.C.S. attorney and will recommend whether to file a CHINS petition, informally adjust ("I.A.") the case, refer the case to another agency, or dismiss the case.

5. What is an I.A.?

"I.A." stands for Informal Adjustment, which is another agreement between the D.C.S. and your parent to receive services so that the abuse or neglect won't continue in the future. You, the child being abused or neglected, must consent to the I.A. However, an I.A. is different from a Service Referral Agreement because an I.A. involves the judge. The judge must agree for your parent and D.C.S. to enter into an I.A. An I.A. lasts for six months, but the judge can extend it for another six months. When the judge approves the I.A., the C.P.S. investigation report will be entered into the child abuse registry. However, if your parent does not complete the services required by the I.A., he or she can be held in contempt of court, meaning the parent can be ordered to participate in the services or be sent to

jail for contempt.

6. What happens if my parent needs help that he or she won't get?

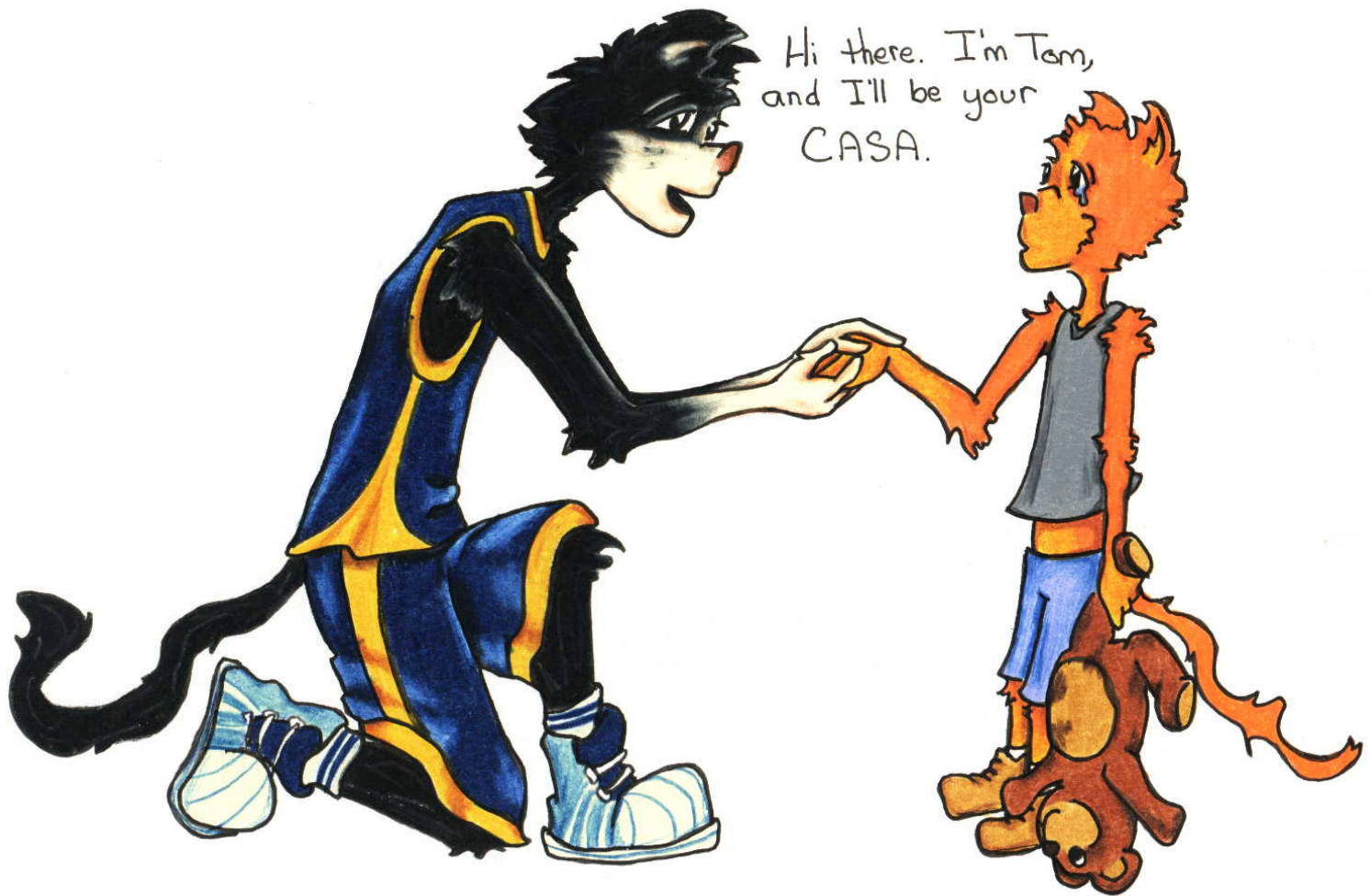
Anytime C.P.S. determines that it's in your best interest for the juvenile court or criminal court to get involved to keep you safe from abuse or neglect, it will refer the case to the juvenile court. The D.C.S. attorney will ask the juvenile court judge permission to file a CHINS petition. The CHINS petition is a piece of paper that is given to the judge that has information about you, the person who abused you, and what abuse occurred. The judge will look at evidence contained in the P.I. to see if there is probable cause, or a good legal reason, that you should be a CHINS. If there is probable cause, then the judge will grant the D.C.S. permission to file a CHINS petition, and a CHINS case will start in juvenile court.

7. What happens at an initial hearing in a CHINS case?

If the judge allows the filing of the CHINS petition, an initial hearing will be set. At an initial hearing, the judge will inform both you (if you are present) and your parent of the CHINS petition's allegations, or the facts about the abuse or neglect that C.P.S. believes to be true. You and your parent will also learn the disposi-

tional alternatives, or the different services and options for your care, the judge can have you or your parent do if the judge finds that you are a CHINS. The judge will inform your parent that if you are adjudicated a CHINS, your parent may be required to participate in a program of care,





treatment or rehabilitation and may have to pay for the services. The judge will also tell your parent that he or she can argue against the allegations or his or her ability to pay for the services. The judge will ask your parent whether he or she admits, or agrees that the allegations are true, or denies, or thinks the allegations are false, that you are a child in need of services ("CHINS").

8. What is a CASA or GAL?

"CASA" stands for Court Appointed Special Advocate, and "GAL" stands for Guardian ad Litem. CASAs and GALs are

adults, usually volunteers, who have been trained to tell the judge what is best for you while you are a CHINS. Sometimes CASAs and GALs are attorneys, but they do not act as attorneys in CHINS cases. They tell the judge what is best for you, not necessarily what you want, although they may report what you want to the judge. A CASA or GAL will talk to you, and other people who know you, to determine what is in your best interest to keep you safe. The judge will appoint a CASA or GAL in every case at the initial hearing.

9. What happens if my parent admits that I am a CHINS or denies that I am a CHINS?

If your parent admits the allegations, and if everyone agrees, then the judge may hold a dispositional hearing, to decide what needs to happen next, right after the initial hearing. Otherwise, the judge will hold the dispositional hearing at a later date. If your parent denies the allegations, then the judge will set a fact-finding hearing.

10. What is a fact-finding hearing?

A fact-finding hearing is a hearing where the D.C.S. attorney presents evidence to the judge that you were abused or neglected. The D.C.S. attorney must also prove to the judge you will not receive treatment or care unless the judge gets involved. Your parent will get to put on evidence that you are not a CHINS. If you want, you can put on your own evidence that you either are or are not a CHINS. If the judge finds that you *are* a CHINS, the judge will enter a decision, set a time for a dispositional hearing to decide what needs to happen next, and order a predispositional report. If the judge finds that you *are not* a CHINS, then the judge will dismiss your case and return you to your parents if you have been removed.

11. What is a predispositional report?

A predispositional report ("P.D.R.") is a report that an D.C.S. caseworker writes for the judge. The report contains

information about your need for services or treatment and where you should live during the CHINS case. The predispositional report also states what the D.C.S. caseworker thinks your parents need to do so you can be returned home safely. The report should recommend a placement plan that is the least restrictive and most appropriate care closest to your parent's home, least disruptive of family life, and provides reasonable participation for your parent. The D.C.S. caseworker may consult with people who have information about you, such as your doctor, teacher, or counselor. You or your parent or guardian, GAL, or CASA can file a separate predispositional report for the judge to consider.

12. What is the purpose of the dispositional hearing in a CHINS case?

The judge will hold a dispositional hearing to decide what services your parent needs to complete before you can go home and be safe. The court will consider the alternatives for your care and treatment, such as where you can live if you cannot live with your parent, what types of services or treatment your parent needs to do before you can be returned home safely, and how much money your parent is able to pay for the services.

13. What types of things can the judge order in the dispositional decree?

The judge can do several things if you are a CHINS. It might not seem fair

for you to have to do anything since you were the one being abused or neglected. However, the judge may order you to get services or treatment to help you recover and heal from your injuries, whether they are physical injuries or emotional injuries.

The judge can order that:

- An D.C.S. caseworker supervises you;
- You need to receive treatment at a facility;
- You should live away from your home (Remember, the judge must first consider whether you can live with family members such as a grandparent, aunt, uncle or an adult brother or sister.);
- You are partially or completely emancipated (This is unlikely, see above.);
- You and/or your parent receive family services such as counseling, drug treatment, or mental health treatment; and
- Someone, sometimes the person who abused or neglected you, not have any contact with you.

14. What can the judge order my parent to do?

The judge can order your parent to get help to be able to take care of you. The judge can also order your parent to provide certain care, treatment or supervision of you or order your parent to work with someone who is providing care for you. If your parent is in jail or prison, the judge can order your parent to participate in programs through or by the Department of Correction.

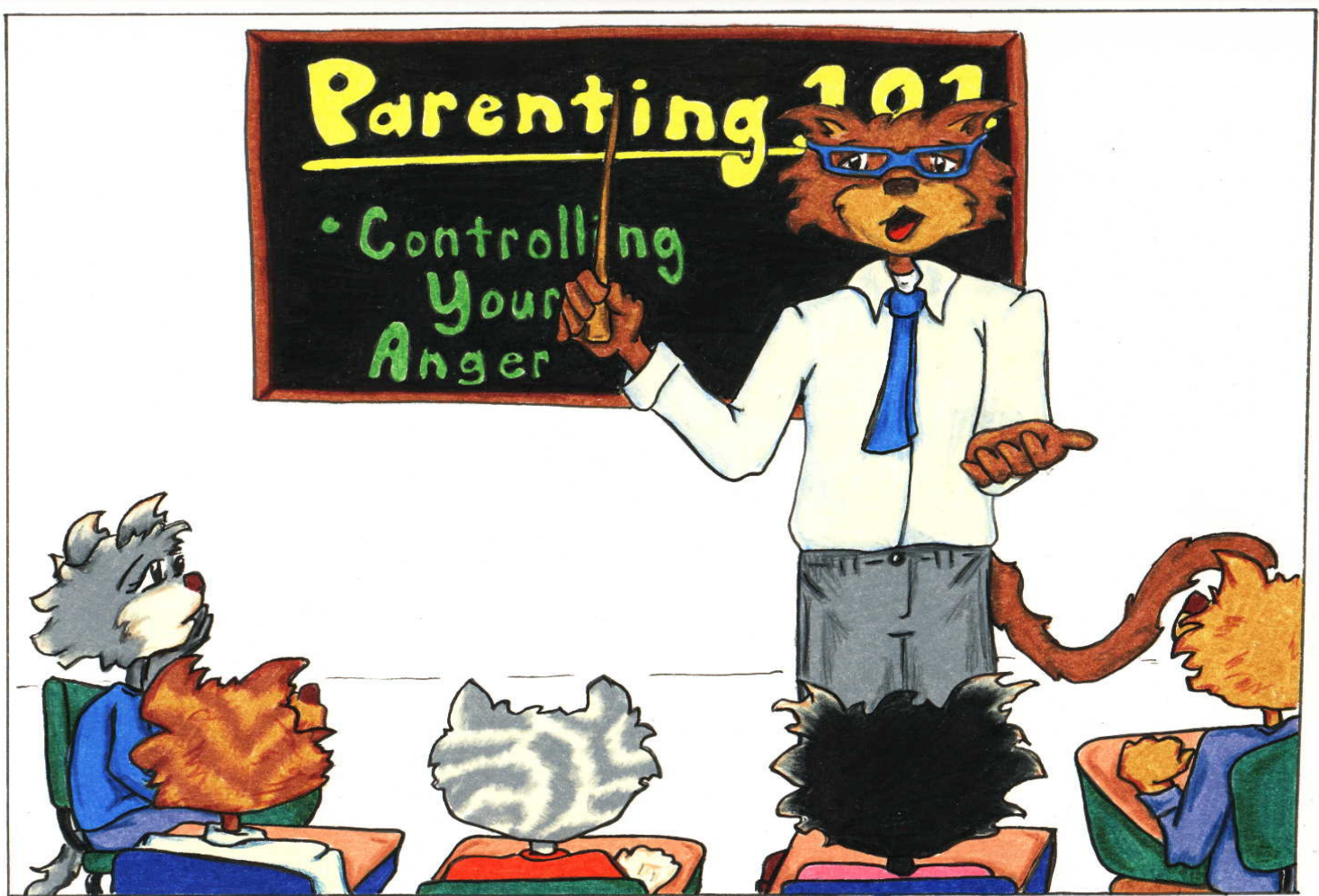
15. What is a case plan?

Within 60 days of your being removed from your home or within 60 days of the dispositional order, whichever comes first, the D.C.S. caseworker and your parent, guardian, or custodian will create a case plan. The case plan will include the D.C.S.'s plan for you while you are a CHINS and an estimated date to complete the plan. If you have to live away from your parents, the plan will discuss where you should live. The least restrictive, most family-like setting closest to your home is recommended. The case plan also describes family services recommended for you and your parent, the efforts D.C.S. has already made to provide family services to you, and the efforts that will be made to provide family services as ordered by the court in the dispositional decree.

16. How will the judge know whether my parent or I am following the dispositional decree?

The judge will hold a review hearing at least every six months, sometimes more often, after either the date from when you were removed from your parent's home or every six months after the date of the disposition, whichever date comes first.

At the review hearing, the judge will consider many things about you, such as how you are doing at the place where you are living and how you are doing with the services you are receiving for your care and treatment. If you are not living



with your parent, the judge will also look to see if there is a date in the future when you can return home. The judge will also look at whether your parent has participated in or completed the services ordered at the dispositional hearing, visited you, and cooperated with the D.C.S. caseworker.

17. What is a permanency plan?

A permanency plan is the plan your D.C.S. caseworker recommends to the judge about where you should live and who should take care of you until you are age eighteen. Some options the D.C.S.

can recommend are returning you to your parent's home, starting the procedure to terminate your parents' parental rights, placing you with a family so that you can be adopted or so someone can become your guardian, or placing you in another living arrangement such as an independent living program. An independent living program will teach you life skills to help you live on your own. The permanency plan must also include a time schedule for completing the permanency plan and what should happen to you (where you will live and who will take care of you) until the permanency plan can be completed.

18. When are permanency hearings held?

The judge will hold a permanency hearing every twelve months after the date you were removed from your parent's home or after the date of the disposition, whichever date comes first. At the permanency hearing, the judge will look at whether the dispositional decree should be modified, or changed. The judge will consider whether the permanency plan already in place should be changed and whether the court should continue to have jurisdiction over your case. The judge may consider and approve a new permanency plan.

Termination of Parent-Child Relationship

Youth need to be able to count on their parents to care for them and keep them safe. When youth are CHINS and have lived away from their parents for a long period of time because their parents can't provide a safe home, the D.C.S. will try to find another way to provide a permanent, safe home for the youth. In order for the new home to be permanent, sometimes the legal relationship between the youth and their birth parents must end.

1. What is "termination of parental rights"?

Parents cannot give up their parental rights by themselves. An adoption agency or the D.C.S. must agree that it is in your best interests to terminate your

parents' legal rights to have custody and to take care of you. If you are a CHINS, there are some cases when it is in your best interest for your parent or parents to give up their parental rights, such as when your parents are unwilling to get help or change their abusive or neglectful behavior. The D.C.S. attorney, prosecutor, or your CASA or GAL may ask the court to terminate the parent-child relationship so that another person, such as another family member or a foster parent, can adopt you and give you a permanent, safe home.

If your parents do not want to give up their parental rights, then the judge must hold a hearing to decide if terminating your parents' rights is allowed under the law and is best for you. At that hearing, the D.C.S. attorney must give the judge clear and convincing evidence:

- That you have been removed from your home for six months under a dispositional decree or because your parent has been convicted of a very serious crime such as murder of a child or parent or that you have lived away from home for 15 out of the last 22 months;
- There is a reasonable probability that the conditions leading to your removal are not likely to get better or that it's in your well-being to not have the parent-child relationship;
- That termination is in your best interest; and
- That there is a satisfactory plan for your care and treatment.

The judge will hold a final hearing to determine whether the D.C.S. proves by clear and convincing evidence that your parents' right to raise you, have custody of you, and take care of you should be legally ended or terminated. If the D.C.S. shows the judge enough evidence, your parents' parental rights are terminated. This means that your parent is no longer able to have you live with him or her or to make any decisions about you.

2. Does the parent in a termination of parental rights case get to have an attorney?

Yes. A parent in a termination of parental rights case does have the right to be represented by an attorney, even if they cannot afford one. If your parent can't afford to hire an attorney, a public defender will be appointed to represent him or her.

3. Will I have a CASA or a GAL in a termination of parental rights case?

If your parent objects to having his or her parental rights terminated, the judge must appoint either a CASA or a GAL for you.

4. What does adoption mean?

Adoption is the legal process in which a new parent-child

relationship is legally created. The adoptive parent becomes legally responsible for taking care of you and keeping you safe from harm until you are an adult.

5. If I am adopted, what kind of contact will I have with my birth parents?

At the time the judge enters the adoption order, the judge may grant contact privileges between you and your birth parents if your birth parents either consented to the adoption or if they voluntar-



ily terminated their parental rights. In deciding whether to grant contact with your birth parents after your adoption, the judge will look to see if the contact is in your best interest. The judge will take into consideration:

- If you are over age two and have significant emotional attachment to your birth parents;
- If your adoptive parents agree with the contact;
- If your adoptive parents and your birth parents enter into a contact agreement that is filed with the court;
- If your GAL or CASA agrees to the contact; and
- If you are age twelve or older and agree to the contact.

6. What type of contact will I have with my siblings (brothers and sisters)?

At the time the judge enters the adoption order, the judge may order your adoptive parents to provide for specific contact between you and your siblings to take place after the adoption if the judge believes the contact would be in your best interest and if each adoptive parent consents to the court's order for contact.

Chapter 8 Sources

Marriage

1. When can I get married?
I.C. 31-11-1-4; I.C. 31-11-1-5

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I.C. 31-34-20-6; I.C. 31-37-19-27
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2. If I am a mother or father and not married, how do I prove paternity of my child?
I.C. 16-37-2-2.1; I.C. 31-14-6-1
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www.in.gov/dcs/support/
4. What is child support?
I.C. 31-14-10-1; I.C. 31-14-11-2;
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5. How is custody determined?
I.C. 31-14-13-1; I.C. 31-14-13-2
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I.C. 31-33-8-7; I.C. 31-33-8-12; I.C. 31-9-2-123; I.C. 31-9-2-132
3. Will I have to leave home if an abuse or neglect report is substantiated?
I.C. 31-33-2-3(c); I.C. 31-34-4-2; I.C. 31-34-6-1; I.C. 31-9-2-114

4. What is a foster parent or foster care?
I.C. 31-9-2-47; I.C. 12-7-2-90
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I.C. 31-33-13-1; I.C. 31-33-13-3; I.C. 31-33-13-4
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I.C. 31-33-17-1; I.C. 31-33-17-6

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I.C. 31-9-2-14; I.C. 31-34-1-1 – I.C. 31-34-1-5; I.C. 31-34-1-9; I.C. 31-34-1-10; I.C. 31-34-1-11
2. What rights do my parents have in CHINS proceedings?
I.C. 31-32-2-3; I.C. 31-34-9-7; I.C. 34-10-1-1; I.C. 34-10-1-2; I.C. 31-32-4-3.
3. What rights do I have in CHINS proceedings?
I.C. 31-32-2-1; I.C. 31-32-6-8; I.C. 31-32-2-1; I.C. 31-34-9-7; I.C. 31-32-4-2(b)
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I.C. 31-34-7-1; I.C. 31-34-7-2
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I.C. 31-34-8-1—I.C. 31-34-8-6
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I.C. 31-34-10-4 – I.C. 31-34-10-7
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I.C. 31-34-10-8; I.C. 31-34-10-9
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I.C. 31-34-11-1; I.C. 31-34-11-2; I.C. 31-34-11-3
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6. What type of contact will I have with my siblings (brothers and sisters)?

I.C. 31-19-16.5-1

Termination of Parent-Child Relationship

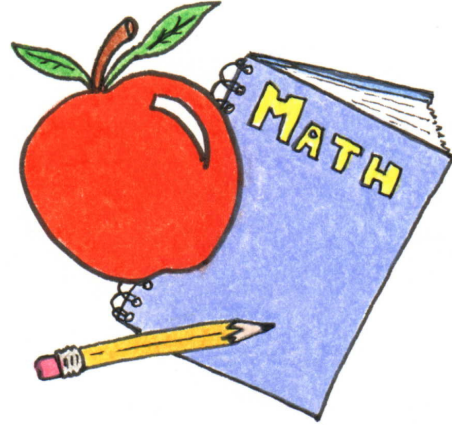
1. What is "termination of parental rights"?

I.C. 31-35-1-4; I.C. 31-35-2-4; I.C. 31-34-12-2



School

Article Eight, Section One of the Indiana Constitution states that everyone has the right to an education of a high school diploma, regardless of age. Therefore, even people over age eighteen have a right to obtain a high school diploma. Indiana has many laws regarding your education. Read this section so you will know what the law says about your right to an education.



Legal Settlement

Have you ever wondered what would happen if every student picked what school he or she wanted to attend? There would be a lot of confusion! Luckily, Indiana laws tell students what school corporation to enroll in.

1. What is my legal settlement?

Your legal settlement determines what school corporation you should enroll in. Your legal settlement is where your parents live. If your parents are divorced or separated, your legal settlement is where you are living.

2. What if my family or I am homeless?

You cannot be denied school enrollment because you and/or your family are homeless.

3. What if I don't live with a parent?

If you live with someone other than your parent, that person can still enroll you in school. That person needs to fill out a Custodial Agreement Form from the

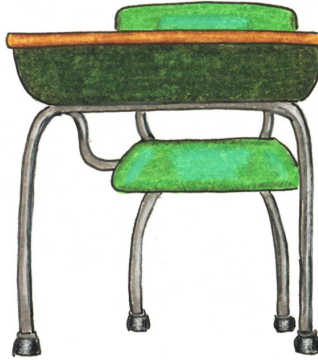
school. You can get a Custodial Agreement Form on-line at www.doe.state.in.us/legal/.

4. What is a private school?

A private school is a school that is not funded with state money. Public schools are funded, or get their money for teachers, books, and supplies, from the state government. In order to receive the money, public schools have to follow state laws. Since private schools do not accept state money, they can have different school rules. Students have to pay more money to attend private schools than they do for public schools because private schools need money to pay for the teachers, books, and supplies. You may be able to attend a private school outside your legal residence or settlement area.

Attendance

It's important for you to go to school so that you can learn. However, there's another good reason to attend school...it's the law!



1. Do I have to go to school?

Yes. You have to start attending school in the fall of the school year in which you turn age seven. The law says you must attend school until you graduate or turn age eighteen. However, if you are between ages sixteen and eighteen, you can withdraw from school if you are employed to support your family or a dependent, are ill, or have a court order allowing you to withdraw. You, your parent or guardian, and the principal must agree that you can stop going to school and put the agreement in writing at an exit interview.

2. What will happen if I decide to skip school?

If you skip school, you are committing the delinquent act of truancy. The school can report you to an intake officer of the juvenile court, who can file a delinquency petition with the juvenile court. Remember, if you continue to skip school

in violation of a court order, you may be sent to the Department of Correction (boys' school and girls' school). At a minimum, if you have ten unexcused absences from school in one school year, you will be a habitual truant. If you are a habitual truant, at least age thirteen, but less than fifteen, the school will submit your name to the Bureau of Motor Vehicles (BMV) and you will not be issued a learner's permit or driver's license until you are age eighteen or your attendance improves.

Graduation Requirements

Going to high school for four years is not enough to be able to graduate. You have to learn the required material in order to receive your diploma.

1. What do I need to do to graduate from high school?

In order to graduate from high

school, you will need to meet the requirements established by your school corporation and pass a graduation examination called the Graduation Qualifying Exam, or GQE. If you do not pass the GQE on your first try in the fall of your sophomore year, you will be able to take the test during each semester of your junior and senior years until you pass. The GQE is part of the ISTEP test.

Beginning with the graduating class of 2010-2011, each student will be required to pass the GQE, complete the Core 40 course and credit requirements, and meet any additional requirements established by the school corporation.

2. What is CORE 40?

CORE 40 is a high school diploma that reflects a curriculum that exceeds the regular high school diploma requirements by requiring students to complete additional credits in various subject areas. The CORE 40 is considered the minimum college-track diploma. In the 2010/2011 school year, students will need to complete CORE 40 in order to graduate. For more information, you can contact the Indiana Department of Education website at www.doe.state.in.us.

3. Can I still graduate with a diploma if I don't pass the GQE?

Yes. A student who does not pass the GQE, complete the Core 40 course, and satisfy the school district's requirements may be eligible to graduate with a diploma if the student does all of the fol-

lowing:

- takes the GQE in each unpassed subject area at least one time every school year;
- completes remediation opportunities available through the school;
- maintains a 95% school attendance rate (excused absences don't count against the student);
- maintains at least a "C" average;
- satisfies all state and local graduation requirements; and
- either
 - ◊ completes the course and credit requirements for a general diploma, including the career academic sequence; a workforce readiness assessment; and at least one career exploration internship, cooperative education, or workforce credential recommended by the student's school; or
 - ◊ obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be concurred in by the principal or the student's school and be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the GQE or classroom work.

4. What is a GED?

"GED" stands for General Educational Development certificate. Your GED certificate is not the same as a high school diploma, and you may not have all of the same employment and higher education opportunities that you would have with a high school diploma. A GED certificate does not extinguish your right to attend school. You can obtain your GED certificate if you are at least age seventeen, not subject to compulsory school attendance (meaning you have withdrawn from school or are expelled), and you pass the GED test.

Suspension and Expulsion

As students grow and develop, they are bound to make mistakes along the way. Some mistakes are little and don't affect other students. However, some mistakes do affect other students. When mistakes affect other students, the school must take action to ensure that one person does not prevent the whole class from learning.

1. What is "suspension" and "expulsion"?

A suspension is an action the school can take if you don't follow school rules. If you are suspended, you can-

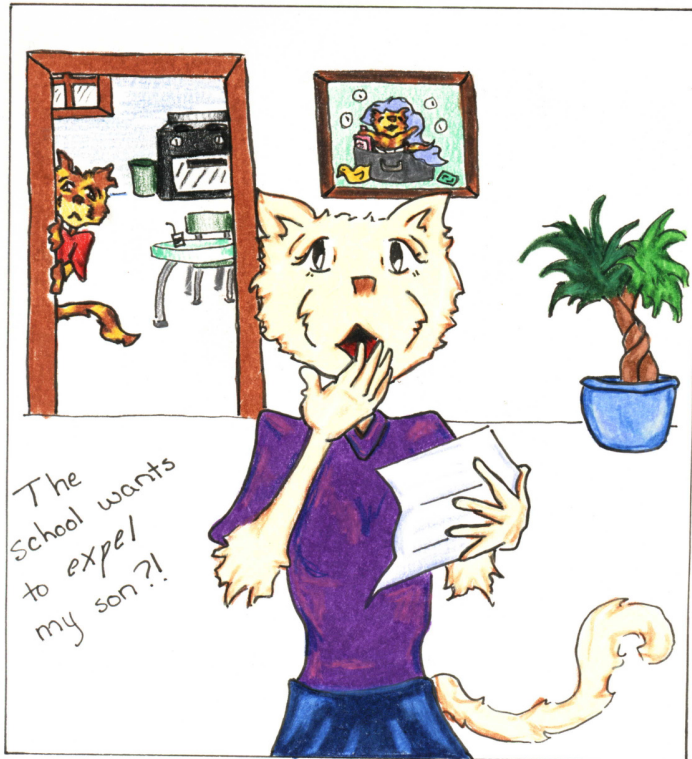
not attend school. A suspension normally lasts ten days or less. An expulsion is another disciplinary action the school can take. If you are expelled, you cannot attend school. An expulsion lasts more than ten school days.

2. When can I be suspended or expelled?

The following are grounds for student suspension or expulsion:

- Misbehaving on school property before, during, or after school hours or during times when the school is





3. How long can I be expelled?

If you are expelled during the first semester, you cannot be expelled longer than the rest of the school year. If you are expelled during the second semester, you can be expelled during summer school and the first semester of the following school year. However, if you were expelled for bringing a deadly weapon to school, you can be expelled for one calendar year, and if you bring a firearm or destructive device to school, you must be expelled for one calendar year.

4. What are other disciplinary actions the school can take?

being used by a school group;

- Misbehaving at a school activity that is not on school property or while traveling to or from school or a school activity;
 - Engaging in unlawful activity that is either on or off school grounds that may interfere with school and may require you to be removed to restore order or protect others. (This includes unlawful activity on the weekends, holidays or other school breaks, and the summer.);
 - Bringing a gun, destructive device, or deadly weapon to school or on school property. (A destructive device includes a bomb and grenade.); and
 - Living outside your school's attendance area.
- There are many other things the school can require you to do if you get into trouble. The school can:
- Make you attend counseling;
 - Have a conference with your parent;
 - Give you extra school work;
 - Change your class schedule;
 - Keep you after school to do extra school work or to attend counseling;
 - Keep you from participating in sports or other school activities;
 - Put you into an alternative school;
 - Have you do up to 120 hours of community service (if your parent agrees);
 - Not let you ride the bus or school vans;
 - Refer you to the juvenile court if there is a potential delinquent activity; or

- Suspend your driver's license or learner's permit if you are expelled, suspended twice in the same school year, or withdrawn from school.

5. What will happen if the principal wants to suspend me?

Before the principal can suspend you, you must have an opportunity to attend a meeting where you will be told what the charges against you are. If you deny the charges, then you will be given a summary of the evidence against you. You will also be given an opportunity to explain your behavior. However, if your misconduct requires your immediate removal, the principal can suspend you and hold the meeting after your suspension begins. If you are suspended, the principal will send a written statement to your parent or guardian describing your misconduct and the action taken against you by the principal.

6. What will happen if the principal wants to expel me?

If the principal wants to expel you, the superintendent, an attorney for the school, or an administrator will conduct an expulsion meeting. You and your parent or guardian must receive notice of the meeting by a certified letter or personal delivery. The notice must contain the reasons for the expulsion and the procedure for requesting an expulsion meeting. The person conducting the meeting has the ability to order people to come to the meeting and to give them an oath before

they give testimony. The person conducting the meeting should make a written summary of the evidence heard at the expulsion meeting, may take action that is appropriate, and must give notice of the action taken to you and your parent or guardian.

You or your parent or guardian has ten days after receiving the notice of action taken to make a written appeal to the School Board. However, you must be present at the expulsion meeting to appeal to the School Board. The School Board will hold a meeting to consider the summary of evidence and your, your parent's or guardian's, and the principal's arguments. The School Board will then take the action it finds appropriate. If your School Board decides not to hear an appeal, you can appeal to your county circuit or superior court.

7. Can an attorney represent me at an expulsion meeting?

You do *not* have the right to be represented by an attorney at an expulsion meeting. You will need to look at your school's rules to see if an attorney can be present at the expulsion meeting.

8. Can I appeal a suspension or expulsion decision in court?

Yes. You can appeal your suspension or expulsion to the circuit or superior court of the county where you attend school. The judge will make sure that the school followed the law, had substantial evidence to support its decision, and did

not violate your rights.

9. Can I go to a different school while I'm expelled or suspended?

If you are expelled or suspended from school, or if you withdrew from school to avoid being expelled or suspended, you can enroll in another school if your parent informs the new school of the expulsion or suspension and the new school allows you to enroll after you agree to follow the new school's rules. (If you are suspended or expelled from school, then you will not get into trouble for being truant.)

The new school does not have to let you attend. If the new school does let you attend, your parent or guardian may have to pay tuition for you to attend the new school.

10. Do I have to reenroll in school after my expulsion is complete?

Yes. You must reenroll in school after your expulsion period is over to comply with Indiana attendance laws. (You do not violate Indiana attendance laws if you are suspended or expelled.) However, if you are at least age sixteen and want to reenroll, your principal may require you to attend an alternative school or educational program or evening class.

11. What if I show up at a school activity or sporting event while I'm suspended or expelled?

If you show up at a school activity or sporting event while you're suspended or expelled, you can be arrested for the delinquent act of trespassing. (See Chapter 6 for information on trespassing.)



12. Does the juvenile court get involved when I am suspended or expelled?

Indiana has a new law that the school and the juvenile court can enter into an agreement for the court to help the school resolve school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of an expelled or suspended student. The student will have an informal hearing before the judge in a setting agreed upon by the court and the school after the student's parent is told about the hearing.



Public Laws at School

Many schools have their own rules that govern student behavior, but public laws also apply to schools.

1. Can teachers or administrators search my locker without my permission?

Yes. Indiana law states that you do not have any expectation of privacy in your school locker or the items you keep in your locker. Your principal can search your locker and its contents at any time, and the police can help your principal with the search.

2. Can school administrators question me about violating school rules

or potential delinquent acts without my parent's or guardian's permission?

Yes. Miranda rights only apply when the police are questioning you. Your school administrators can question you without parent or guardian permission and without first giving you an opportunity to speak to your parent or guardian. (See Chapter 5 for information on Miranda rights.)

3. Can school administrators give evidence of a delinquent act to the police?

Yes. School administrators can give the police evidence of a delinquent act, including statements you make to the administrators. Remember, the school has the ability to refer you to the juvenile court if it has evidence that you

committed a delinquent act.

4. What if I carry a gun onto school property?

If you carry a gun onto school property or any property used for a school function, then you commit a delinquent act and can be expelled for one calendar year. (If you are at least age sixteen, possession of a firearm is a crime that the juvenile court does not have jurisdiction over. Your case will be directly filed with the adult court. Having a gun on school property is a felony offense.)

5. Are there any laws against bullying?

Bullying is defined in the law as overt, repeated acts or gestures, including verbal or written communications transmitted, physical acts committed, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student.

The law states that schools should adopt discipline rules that prohibit bullying. The discipline rules must apply when a student is on school grounds immediately before or during school hours; immediately after school hours; any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; traveling to or from school or a school activity, function, or event; or using property or equipment provided by the school.

Special Education

Everyone has the right to an education. Since every student is different, schools have to be prepared to make sure every student has the same opportunity to learn. Some students need extra help, whether needing more time to complete home work or having more instruction to understand the material.

1. What does "special education" mean?

"Special education" refers to the teaching methods designed to meet the specific needs of a youth with a disability. The teaching methods may take place in the classroom, at home, or in other settings. The teaching methods might focus on physical education, work-force training, and speech therapy.

2. What does "CCC" mean?

"CCC" stands for Case Conference Committee. The people who make up the CCC include someone from your school corporation, your teacher, your parent or guardian, a service provider (if you need counseling), and sometimes you. The CCC is responsible for determining whether you need special education, and if you do, what services, or teaching methods, you need. The CCC will make, review, and change your IEP (Individualized Education Program).

3. What does "IEP" mean?

"IEP" stands for Individualized Education Program. Each special education student has an education plan specific for him/her. The IEP is a report that describes the teaching methods and explains how to use them to help you learn. The IEP also has goals in it that can be measured to see how you are doing.

4. How often is my IEP updated?

The CCC should meet at least once each year to determine whether the teaching methods are helping you reach the goals in your IEP. The CCC will look at your strengths, or the things you do well, and at your tests. The CCC will then talk about whether new teaching methods need to be put into place; the CCC may change your IEP to provide you with more help.

5. Can I be suspended or expelled for misconduct if I am a special education student?

If the school is thinking about suspending you for more than ten days or expelling you because you misbehaved, the CCC will meet and determine whether your misbehavior was a result of your disability. If your misbehavior was a result of your disability, you cannot be suspended or expelled. However, if your behavior was not a result of your disability, then you can be suspended or expelled according to school rules.

After you have been suspended for a total of ten days throughout the school

year (all ten days don't have to be from one suspension), you must continue to receive special education services. Also, if you are expelled, you must continue to receive special education services. So, even though you won't be in school, you will still be receiving special education services but at a different location.

6. What happens if I don't pass the graduation examination?

If you don't pass the graduation examination, you can still graduate if your CCC determines that your teacher in each unpassed subject area writes a letter of recommendation that is supported by the principal and documentation that you have met the academic standard. You must also take the examination in each unpassed subject area as often as your IEP requires, complete remediation opportunities provided by the school and IEP, and maintain a 95% attendance rate (with excused absences not counting against you). Finally, you must maintain a C average or the equivalent in your courses, and satisfy all other local and state graduation requirements.



Chapter 9 Sources

Legal Settlement

1. What is my legal settlement?
I.C. 20-26-11-2; I.C. 20-18-2-11
2. What if my family or I am homeless?
McKinney-Vento Homeless Assistance
Act 42 U.S.C. 11431 et seq.
3. What if I don't live with a parent?
I.C. 20-26-11-3
4. What is a private school?
I.C. 35-41-1-24

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1. Do I have to go to school?
I.C. 20-33-2-6; I.C. 20-33-2-9
2. What will happen if I decide to skip school?
I.C. 20-33-2-11; I.C. 20-33-2-25;
I.C. 31-37-22-6
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I.C. 20-26-11-3
4. What is a private school?
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I.C. 20-32-4-1
2. What is "Core 40"?
I.C. 20-30-10-1
3. Can I still graduate with a diploma if I don't pass the GQE?
I.C. 20-32-4-1
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I.C. 20-20-6-1

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1. What is "suspension" and "expulsion"?
I.C. 20-33-8-3; I.C. 20-33-8-7
2. When can I be suspended or expelled?
I.C. 20-33-8-14; I.C. 20-33-8-15; I.C. 20-33-8-16; I.C. 35-47.5-2-4; I.C. 20-33-8-17
3. How long can I be expelled?
I.C. 20-33-8-20; I.C. 20-33-8-23
4. What are other disciplinary actions the school can take?
I.C. 20-33-8-25; I.C. 9-24-2-1
5. What will happen if the principal wants to suspend me?
I.C. 20-33-8-18

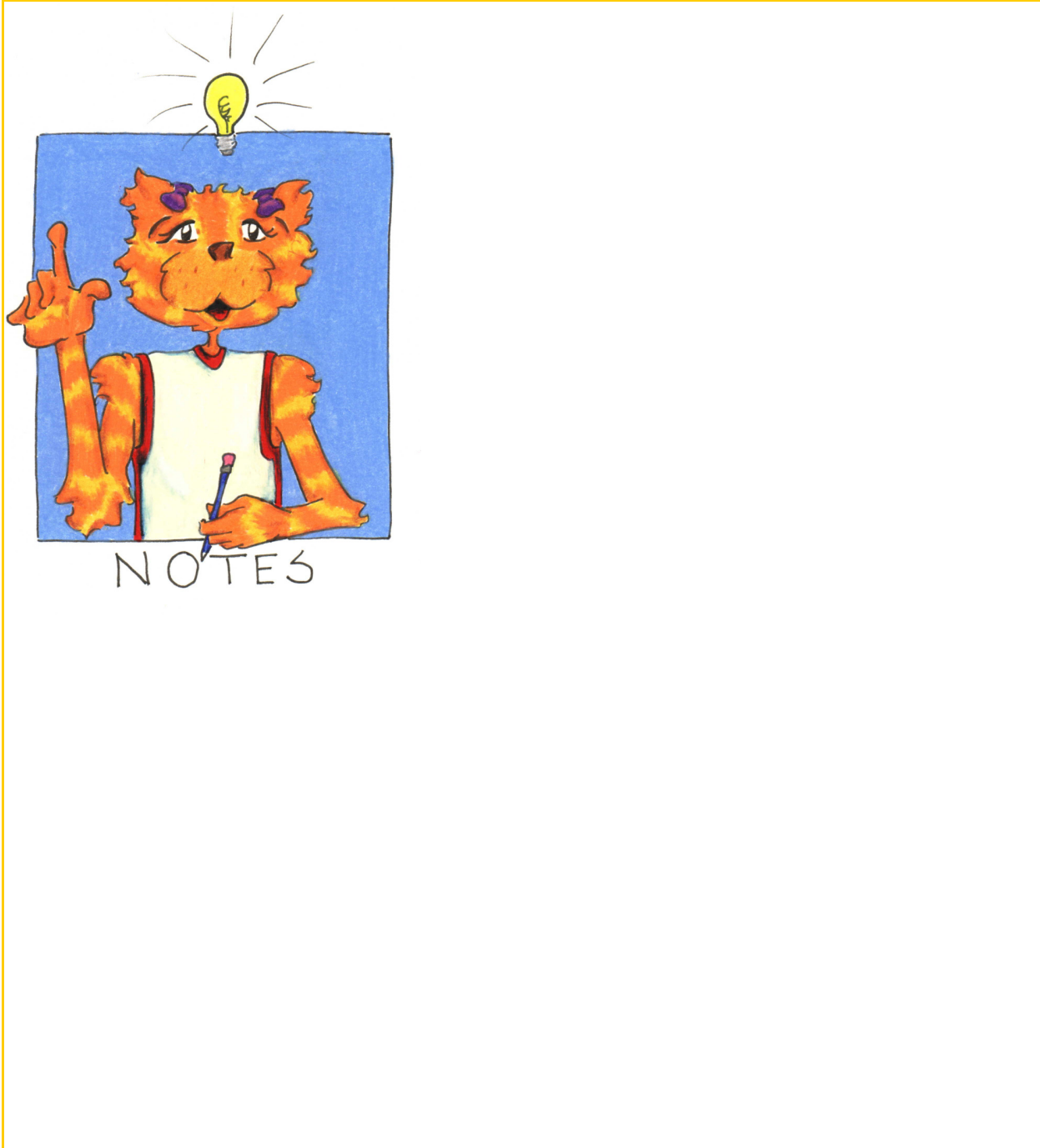
6. What will happen if the principal wants to expel me?
I.C. 20-33-8-19; I.C. 20-33-8-21; I.C. 20-33-5-1
7. Can an attorney represent me at an expulsion meeting?
Lake Central School Corp. v. Scartozzi, 759 N.E.2d 1185 (Ind. Ct. App. 2001)
8. Can I appeal a suspension or expulsion decision in court?
I.C. 20-33-8-19; I.C. 20-33-8-21; I.C. 4-21.5-5-14(d); Board of School Trustees of Muncie Comm. Schs. v. Barnell, 678 N.E.2d 799 (Ind. App. 1997)
9. Can I go to a different school while I'm expelled or suspended?
20-33-2-6; I.C. 20-33-8-30; I.C. 20-26-11-6
10. Do I have to reenroll in school after my expulsion is complete?
I.C. 20-33-8-24; I.C. 20-33-2-4; I.C. 20-33-8-31
11. What if I show up at a school activity or sporting event while I'm suspended or expelled?
I.C. 35-43-2-2
12. Does the juvenile court get involved when I am suspended or expelled?
I.C. 20-33-8.5

Public Laws at School

1. Can teachers or administrators search my locker without my permission?
I.C. 20-33-8-32
2. Can school administrators question me about violating school rules or potential delinquent acts without my parent's or guardian's permission?
Miranda v. Arizona, 384 U.S. 436 (1966);
I.C. 31-32-5-1
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I.C. 20-33-8-25
4. What if I carry a gun onto school property?
I.C. 35-47-9-2; I.C. 31-30-1-4
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I.C. 20-33-8-0.2; I.C. 20-33-8-13.5

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I.C. 20-35-1-7; 511 I.A.C. 7-17-64
2. What does “CCC” mean?
511 I.A.C. 7-17-10; I.C. 12-18-2-9
3. What does “IEP” mean?
I.C. 20-18-2-9
4. How often is my IEP updated?
511 I.A.C. 7-27-4
5. Can I be suspended or expelled for misconduct if I am a special education student?
511 I.A.C. 7-29-6; 511 I.A.C. 7-29-2;
I.A.C. 7-29-1
6. What happens if I don’t pass the graduation examination?
I.C. 20-32-4-5



Health Care

Someone has probably told you, and if not then you are hearing it now, to be thankful for your health. What happens when you get sick or need to go to the doctor? Have you ever thought about going to the doctor on your own without your parent or guardian? Indiana laws state when Indiana youth are able to consent to their own health care.



1. Does a person less than eighteen years of age have the right to obtain health care without a parent or guardian knowing?

In general, a person under age eighteen cannot obtain health care without the consent of a parent or guardian. However, you can obtain health care before age eighteen if you are:

- Emancipated, as determined by a court or other legal authority;
- At least age fourteen and are not relying on a parent or guardian for support, are not living with a parent or guardian, and are taking care of your own affairs;
- Married or divorced;
- Enlisted in the United States military service; or
- Permitted by Indiana law to consent to your own health care in certain special circumstances.

2. Under what certain special circumstances do I not need my parent's or guardian's consent to obtain health care?

You do *not* need your parent's or guardian's consent to obtain health care in the following situations:

- **An emergency.** You may receive health care in an emergency without the consent of a parent or guardian.
- **Treatment for a sexually transmitted disease.** You may consent to medical care or treatment if you know or suspect that you have a venereal disease or have been exposed to a venereal disease.
- **To obtain contraceptive services.** Contraceptive services are forms of birth control, or ways to prevent pregnancy. Certain federally supported clinics, such as the Planned Parenthood Federation of America, Inc., provide

contraceptive services and other reproductive health care to youth on a confidential basis without the consent of a parent or guardian.

- **To obtain an abortion.** In general, you may not receive an abortion without the written consent of a parent or

guardian. However, if you object to the requirement of written parental consent or if your parent or guardian refuses to consent, you may petition the juvenile court for permission to have an abortion without your parent's or guardian's consent. A physician



may also petition the juvenile court for waiver of parental consent, within 24 hours of the abortion request, if he or she determines that requiring parental consent would endanger your health. The juvenile court will rule within 48 hours of the filing of the petition.

You may receive an abortion without the consent of a parent or guardian if there is an emergency that is causing an immediate threat to your life or health, and your physician certifies that fact in writing.

- **To obtain drug treatment.** You may seek treatment for alcoholism, alcohol abuse, or drug abuse without notification or consent of a parent or guardian.
- **To receive treatment as a sex crime victim.** If you are a victim of a sex crime and are in need of emergency hospital services, these services will be provided upon your consent.

3. When can I donate blood without my parent's or guardian's consent?

If you are at least age seventeen, you may donate blood without a parent or guardian's permission. However, your decision to donate blood must be voluntary, meaning no one is making you do it. In addition, you must not receive any money or gifts for donating.

4. Can I request copies of my medical records?

In general, you cannot request copies of your health records until age eight-

een, unless you are emancipated. (See Chapter 8 for information on emancipation.) Your parent or guardian may request your health records. However, in the special circumstances where you do not need parent or guardian consent, such as venereal disease testing or drug treatment, you are the only person who can consent to release of the records for that treatment.

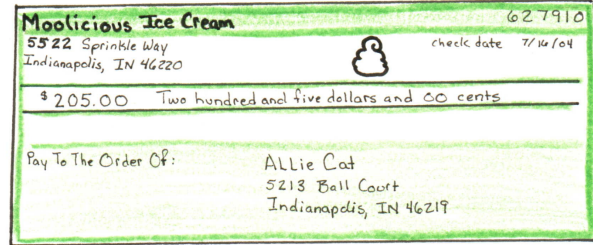
Chapter 10 Sources

1. Does a person less than eighteen years of age have the right to obtain health care without a parent or guardian knowing?
I.C. 16-36-1-3(a)
2. Under what certain special circumstances do I not need my parent's or guardian's consent to obtain health care?
I.C. 16-36-1-12(e)(5); I.C. 16-36-1-3(c); 42 U.S.C. 300; I.C. 16-34-2-4; I.C. 12-23-12-1; I.C. 16-21-8-1
3. When can I donate blood without my parent's or guardian's consent?
I.C. 16-36-1-3(b)
4. Can I request copies of my medical records?
I.C. 16-39-1-3; I.C. 16-39-1-7; 45 C.F.R. 164.502(g)(3)(i)



Employment

Many Indiana youth have jobs during the school year and/or the summer. Earning your own spending money is very important. But, of course, your education is your primary concern. This is why you cannot be employed during the hours you are required to be in school. Indiana laws regulate how you can obtain a work permit and what hours you can work. Read this chapter so you will be prepared to enter the workforce. If you already have a job, notice that the hours you can work change according to your age.



1. When can I get a job?

You can get a job when you are age fourteen. But first you must obtain an employment certificate, which is commonly referred to as a work permit.

2. Who needs to have a work permit?

You need to obtain a work permit if you are under age eighteen. However, there are some exceptions.

If you are between ages fourteen and eighteen, you do not need a work permit to perform farm labor or domestic service, act as a caddy in a golf game, or be a newspaper carrier outside school hours. Also, regardless of age, you can sing, perform in the circus, theatre, concert or festival, either on the radio or on television, and model so long as the activities are not detrimental to your health or safety, interfere with your schooling, and are *not* located in a cabaret, dance hall,

nightclub, tavern, or similar place. If you are under age sixteen, your parent or guardian must go with you to all rehearsals, appearances, and performances.

If you are age fourteen or older, you do not need a work permit to work for your parent or guardian. However, while working for your parent or guardian, you must still attend school and cannot work in a hazardous occupation.

If you are under age fourteen, you cannot be paid for work, unless you are working as a farm laborer, a domestic service worker, a golf caddy, or a newspaper carrier. If you are under age twelve, you cannot work at farm labor unless you are working on your parent's or guardian's farm.

Also, you do not need a work permit if you have graduated from high school or have received your General Educational Development certificate (GED).



3. Where do I get a work permit?

Your school principal will assign a guidance counselor, a school social worker, or an attendance officer to issue work permits. This person will issue work permits even when school is not in session. If your school does not have someone assigned to issue work permits, or if you are home schooled, you can get a work permit from the public school corporation where you live.

4. What do I need to show the issuing officer to get a work permit?

To get a work permit, you need to show proof of age and proof of prospec-

tive employment, or where you want to work. To prove your age, you can show your birth certificate, baptismal certificate with your date of birth and place of baptism, certificate of arrival in the United States issued by United States immigration officers with your age, or a sworn doctor's statement. To prove your prospective employment, you can show a written statement signed by the person you want to work for that describes the type of work you will be doing.

If you have to get a work permit from a school that you don't attend, you will also need to give the officer a written statement from the school you do attend

that says you have acceptable academic performance and attendance.

5. Can the issuing officer deny me a work permit?

Yes. You can be denied a work permit if your attendance is not good or if your academic performance does not meet your school corporation's standard. If you are denied a work permit, you can appeal the denial to the school principal. To appeal to your school principal means to ask your principal to reconsider the issuing officer's decision.

Also, if you are given a work permit, the State Board of Education or the Department of Labor can revoke it, or take it away, at any time if the permit was improperly issued or if you are illegally employed. If your work permit has been revoked, you cannot work until you have a new work permit.

6. Can the issuing officer ever take away my work permit?

Yes. The issuing officer can revoke, or take away your work permit if your grade point average or if your attendance at school significantly decreases. If your work permit is revoked, then the decision to take the permit away will be reviewed at least one time each school year. Your work permit will be reinstated, or returned, when your grade point average or attendance, or both, have substantially improved. If the issuing officer revokes your work permit or refuses to reinstate it, you can appeal the decision to your principal.

7. Will I lose my work permit if I drop out of school?

Yes. You will be denied or lose your work permit if you simply stop going to school without following the formal withdrawal procedure of participating in an exit interview.

8. How many hours a day or week can I work?

Definitions:

Nonschool Week – a week that has two or less days of school

School Day – a day that contains more than four hours of classroom instruction

School Week – a week that has three or more school days

If you are age 14 or 15

You cannot work:

- Before 7:00 a.m. or after 7:00 p.m. (Exception: You can work until 9:00 p.m. from June 1 through Labor day.);
- More than three hours on a school day;
- More than eighteen hours in a school week;
- More than eight hours on a nonschool day; or
- More than forty hours in a nonschool week.

<p>If you are age 16</p>	<p>You cannot work:</p> <ul style="list-style-type: none"> • More than eight hours in any one day; • More than thirty hours in any one week; • More than six days in any one week; or • Begin a workday before 6:00 a.m. <p>You can work:</p> <ul style="list-style-type: none"> • Until 10:00 p.m. on nights that are followed by a school day (unless the occupation is dangerous to your life or injurious to your health or morals). • Until midnight if the work is performed during a nonschool week or on days not followed by a school day and the employer has written permission from your parent or guardian and keeps the written permission on file in the employer's office. • Up to forty hours during a school week if your employer has written permission from you parent or guardian and keeps the written permission on file in the employer's office. But you cannot work more than nine hours a day and a total of forty-eight hours in any one nonschool week.
<p>If you are age 17</p>	<p>You cannot work:</p> <ul style="list-style-type: none"> • More than eight hours in any one day; • More than thirty hours in any one week; • More than six days in any one week; or • Begin a work day before 6:00 a.m. on a school day <p>You can work:</p> <ul style="list-style-type: none"> • Until 10:00 p.m. on nights that are followed by a school day (unless the occupation is dangerous to your life or injurious to your health or morals) • Up to forty hours during a school week if the employer has written permission from your parent or guardian and keeps the written permission on file in the employer's office. But you cannot work more than nine hours a day and a total of forty-eight hours in any one nonschool week. • Until 11:30 p.m. on nights that are followed by a school day if your parent or guardian has given written permission that is kept in your employer's office. • Until 1:00 a.m. if your employer has written permission from your parent or guardian and keeps the written permission on file in the employer's office. However, you cannot work until 1:00 a.m. two nights in a row or more than two nights per week.

9. When can I work full time?

If you are between age sixteen and eighteen, you can work the same daily and weekly hours as adults if you are a high school graduate, have completed an approved vocational or special education program, or are not enrolled in a regular school term.

10. Can I have two work permits so that I can have two jobs?

No. Only one work permit can be issued at a time. Each work permit is issued for a specific employer. Remember that in order to get a work permit your employer must provide a statement about the work you'll be doing. Your employer

must keep a copy of the work permit in a file at the office. However, you can work for the same employer at two locations, so long as you follow the rules about how many hours a day or week you can work. You can't work at more than two different locations.

11. What happens if I quit my job?

If you quit your job, your employer must complete a termination notice and send it to the issuing officer at the school that issued the work permit. The issuing officer can then issue you another work permit for a new job.



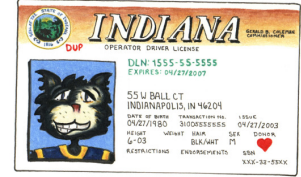
Chapter 11 Sources

1. When can I get a job?
I.C. 20-33-3-5
2. Who needs to have a work permit?
I.C. 20-33-3-5; I.C. 20-33-3-6; I.C. 20-33-31-1; I.C. 20-33-3-32; I.C. 20-33-3-31
3. Where do I get a work permit?
I.C. 20-33-3-8
4. What do I need to show the issuing officer to get a work permit?
I.C. 30-33-3-10; I.C. 20-33-3-11; I.C. 20-33-3-12
5. Can the issuing officer deny me a work permit?
I.C. 20-33-3-13; I.C. 20-33-3-14
6. Can the issuing officer ever take away my work permit?
www.in.gov/labor/childlabor/
7. Will I lose my work permit if I drop out of school?
I.C. 9-24-2-1
8. How many hours a day or week can I work?
I.C. 20-33-3-21; I.C. 20-33-3-2; I.C. 20-33-3-3; I.C. 20-33-3-4; I.C. 20-33-3-22; I.C. 20-33-3-23; I.C. 20-33-3-24; I.C. 20-33-3-30; I.C. 20-33-3-31; I.C. 20-33-3-32
9. When can I work full time?
I.C. 20-33-3-29
10. Can I have two work permits so that I can have two jobs?
www.in.gov/labor/childlabor/
11. What happens if I quit my job?
www.in.gov/labor/childlabor/



Transportation

Many Indiana youth enjoy the freedom of being able to travel by themselves to school, friends' houses, or work. In order to arrive safely, read this section so you will know what laws apply to transportation.



Bicycles

You may be surprised to learn that there are laws specifically for bike riders. Bike riders, like vehicle drivers, have responsibilities when riding their bikes on the roadways. Read the following section to avoid accidents and violations.

1. Are there special laws for bicycle riders?

A bicycle is a foot-propelled vehicle. It does not matter how many wheels are in contact with the ground. When you ride a bicycle on the roadways, you have all the rights and responsibilities as someone who drives a vehicle. For example, you should ride your bicycle on the right half of the roadway with the traffic, not facing traffic. However, there are additional laws for bicycles:

- You can't carry another person on your bicycle unless they are seated upon a firmly attached and regular seat;
- A bicycle may not be used to carry more persons at one time than the number for which the bicycle is designed and equipped;
- If you and your friend are riding your bicycles on the road, you cannot ride

side-by-side unless you are on a bicycle path;

- You can't carry any package that prevents you from keeping both hands on the handlebars;
- You must have a bell or device (not a whistle or siren) that can be heard at least 100 feet away; and
- If you ride your bicycle more than 30 minutes after sunset or 30 minutes before sunrise, you must have a lamp on the front of your bike that shines white visible light from a distance of 500 feet and a light or reflector on the back of your bike that can be seen from 500 feet away.

If you don't follow these rules, you can receive a class C infraction. (See Chapter 6 for information on infractions.)

Motorized Bicycles

A fast growing issue in our society is youth driving mopeds and scooters without following the law. Read the following section so that you can be a safe driver.

1. What is a motorized bicycle?

A “motorized bicycle” is a two-or-three-wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor. If your motorized bicycle is powered by an internal combustion engine, it must have an engine rating of not more than two horsepower, a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and a maximum design speed of twenty-five miles per hour on a flat surface. Motorized scooters and minibikes are examples of motorized bicycles.

2. Who can drive a motorized bicycle?

You must be at least age fifteen to operate a motorized bicycle. You must also have a Bureau of Motor Vehicles (“BMV”) issued identification card, a driver’s license permit, or a driver’s license. You do not need to have a special license for a motorized bicycle.

3. Are there special laws concerning motorized bicycles?

Yes. You cannot operate a motorized bicycle on an interstate highway or sidewalk. You cannot operate a motorized bicycle at speeds greater than twenty-five miles per hour. If you are under age eighteen, you cannot operate a motorized bicycle on a street or highway unless you wear a helmet and goggles, protective glasses, or a transparent face shield.

Driver’s License

Obtaining your driver’s license is a special event. For many Indiana youth, a driver’s license allows them to participate in school activities, work, and socialize. However, your driver’s license is a privilege, not a right. You must work hard to obtain your license and to keep it.

1. When can I get a learner’s permit?

You can get a learner’s permit if you are at least age fifteen and enrolled in an approved driver education program. For your permit to be validated, you must be at least sixteen years of age and have passed the required examination.

If you are under age eighteen, you cannot receive a learner’s permit if you are a habitual truant from school, under at least a second suspension from school for the school year, under an expulsion from school, or considered a dropout (because you quit going to school without participating in an exit interview). (In regards to being a habitual truant, your school has the ability to decide how many absences qualifies you as a habitual truant.)

2. What does a learner’s permit allow me to do?

A learner’s permit allows you to operate a motor vehicle, but not a motorcycle, upon a public highway under the following conditions:

- You are in an approved driver education course and are accompanied by a certified driver education instructor in the front seat of an automobile

equipped with dual controls;

- You are enrolled in an approved driver education course, participating in practice driving after having started the approved driver education course, and the seat beside you is occupied by a parent or guardian who holds a valid operator's license; or
- You have a validated learner's permit, are less than age eighteen, and a guardian or relative who holds a valid driver's license, chauffeur's, or public passenger chauffeur's license is sitting in the front seat beside you. (To have a validated learner's permit, you must be at least age sixteen and have passed the required examination.)

3. When can I get a driver's license?

The BMV shall issue an operator's license if you are of age, make a proper application to the bureau, pass the test, and pay your fees. You must meet one of the following conditions:

- Be age sixteen and 30 days of age, held a valid learner's permit for at least 60 days, and completed an approved driver's education course;
- Be at least age sixteen and 180 days of age, held a valid learner's permit for at least 60 days, and passed the required examination;
- Be at least age sixteen and 180 days of age, held, within the past three years, an Indiana operator's, chauffeur's li-





required examination.

4. What limitations does my new driver's license have?

Any license issued to someone less than age eighteen is a probationary license. During the first 90 days after receiving your probationary license, you cannot drive a motor vehicle with passengers unless someone else, who is at least age 21 and holds a valid operator's license, is sitting in the front seat. Also, you and all the passengers must wear a seatbelt while the vehicle is in motion.

If you have a proba-

cense, or public passenger chauffeur's license that has not been suspended or revoked, and passed the required exam; or

- Be at least age sixteen and 180 days of age, previously been a nonresident of Indiana but who, at the time of application qualified as an Indiana resident, held for at least one year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state, district or county in which the applicant has been a resident, and passed the

tionary license, you cannot drive a vehicle during curfew hours. A probationary license is valid for four years from the date of issue and cannot be renewed.

5. If a police officer stops me and asks to see my license, do I have to show it to the officer?

Yes. Indiana law states that a person holding a permit or license must have that permit or license in the person's immediate possession when driving or operating a motor vehicle. You shall display

the license or permit upon demand of a court or a police officer authorized by law to enforce motor vehicle rules. If you do not have your license or do not show it to the officer, you commit a class C infraction.

6. When does a parent or guardian have to sign my driver's license application and what does the signature mean?

If you are under age eighteen, your application for a permit or license must be signed and sworn to by a parent or guardian. If neither parent lives in Indiana and you don't have a guardian, then the person you're living with or your employer can sign. If there is no parent, guardian, or employer, then any responsible individual willing to assume the responsibility can sign.

The person signing your application for a permit or license agrees to be responsible, with and without you, for any injury or damage that you cause and are liable for when driving. The person signing stops being responsible when you reach age eighteen. However, the person signing can file a written request with the BMV requesting that the permit or license be canceled so that the person signing is no longer responsible.

Driving Rules

No one likes to be stopped by the police when driving. In order to avoid getting tickets and having to pay fines for traffic

violations, you should be aware of and follow all driving laws. Below are a few driving laws that you should be aware of.

1. How fast may I drive my car?

Generally, you cannot drive a vehicle on a highway faster than:

- Thirty miles per hour in a town or city;
- Sixty-five miles per hour on an interstate;
- Fifteen miles per hour in an alley; or
- Otherwise fifty-five miles per hour.

However, if there is a posted lower speed limit, then that speed limit is the maximum lawful speed.

The law states that you should slow down when:

- Approaching and crossing an intersection or railway grade crossing;
- Approaching and going around a curve;
- Approaching the top of a hill;
- Traveling upon a narrow or winding roadway; or
- Special hazards exist with respect to pedestrians, other traffic, weather, or highway conditions.

2. Will I go in front of the juvenile court if I am charged with a traffic violation?

Generally, the juvenile court does not have jurisdiction over traffic infractions. Examples of infractions are failure to dim your bright lights when approaching another vehicle and driving the wrong way down a one way street. Your case will go to the traffic court. However, you

will go to the juvenile court if you are under age sixteen and are charged with a misdemeanor traffic offense or driving while intoxicated. Examples of misdemeanor traffic offenses are reckless driving and driving without ever receiving a license. In Marion County and Lake County, the juvenile court has jurisdiction over misdemeanor traffic offenses even if you are age sixteen or older.

3. What should I do if I have a car accident?

If you are the driver of a vehicle in an accident where someone is injured or dies, you should do the following:

- Immediately stop your vehicle at the scene of the accident, or as close to the accident as possible. Be careful not to obstruct traffic more than is necessary;
- Immediately notify the police or county sheriff, or state police of the accident;
- Remain at the scene of the accident until you have done the following:
 - ◊ Given your name, address, and vehicle's registration number;
 - ◊ If asked, shown your driver's license to the person struck and the driver or occupant of or person attending each vehicle involved in the accident;
 - ◊ Determined the need for and rendered reasonable assistance to each person injured in the accident. You may need to help make arrangements to take each injured person to a physi-

cian or hospital for medical treatment; and

- Within ten days after the accident, send a written report of the accident to the State Police Department.

If you are the driver of a vehicle involved in an accident where an attended vehicle is damaged, you should do the following:

- Immediately stop your vehicle at the scene of the accident, or as close to the accident as possible. Be careful not to obstruct traffic more than is necessary;
- Remain at the scene of the accident until you have done the following:
 - ◊ Given your name, address, and vehicle's registration number;
 - ◊ If asked, shown your driver's license to the person struck and the driver or occupant of or person attending each vehicle involved in the accident; and
- If the accident results in total property damage of at least \$1,000, forward a written report of the accident to the State Police Department within ten days after the accident.

If you are the driver of a vehicle that hits an unattended vehicle, you should immediately stop and locate the owner or driver of the vehicle and give the name and address of the owner of the car you're driving. If you can't find the owner of the vehicle you hit, you can leave a note with your name and address, the owner's name and address, and a statement of the circumstances of the accident



on the car that was struck.

If you do not comply with each provision, you may be charged with a misdemeanor. However, you may be charged with a felony under certain circumstances, such as if the accident caused the death of a person.

drives a vehicle that has a child passenger between the ages of four and twelve must have the child properly restrained by a child passenger restraint system (safety seat) or a seatbelt. If you are at least age sixteen and driving, you and the front seat passengers must wear seatbelts.

4. What does the law say about having to wear a seat belt?

Every person sitting in the front seat must wear a seat belt while the vehicle is in forward motion. Anyone that

Chapter 12 Sources

Bicycles

1. Are there special laws for bicycle riders?
I.C. 9-13-2-14; I.C. 9-21-8-2; I.C. 9-21-11-2; I.C. 9-21-11-3; I.C. 9-21-11-4; I.C. 9-21-11-6; I.C. 9-21-11-7; I.C. 9-21-11-8; I.C. 9-21-11-9; I.C. 9-21-11-14

Motorized bicycles

1. What is a motorized bicycle?
I.C. 9-13-2-109
2. Who can drive a motorized bicycle?
I.C. 9-21-11-12
3. Are there special laws concerning motorized bicycles?
I.C. 9-21-11-12; I.C. 9-21-11-13

Driver's License

1. When can I get a learner's permit?
I.C. 9-24-7-1; I.C. 9-24-7-3; I.C. 9-24-2-1
2. What does a learner's permit allow me to do?
I.C. 9-24-7-4
3. When can I get a driver's license?
I.C. 9-24-3-1; I.C. 9-24-3-2
4. What limitations does my new driver's license have?

I.C. 9-24-11-3

5. If a police officer stops me and asks to see my license, do I have to show it to the officer?

I.C. 9-24-13-3; I.C. 9-24-13-5

6. When does a parent or guardian have to sign my driver's license application and what does the signature mean?

I.C. 9-24-9-3; I.C. 9-24-9-4

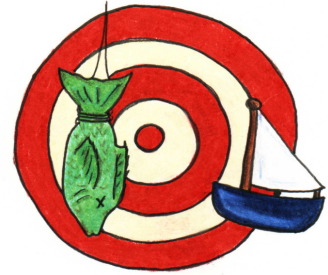
Driving Rules

1. How fast may I drive my car?
I.C. 9-21-5-2; I.C. 9-21-5-4
2. Will I go in front of the juvenile court if I am charged with a traffic violation?
I.C. 9-21-8-9; I.C. 9-21-8-51; I.C. 9-21-8-52; I.C. 9-24-18-1; I.C. 31-30-1-2; I.C. 31-30-1-8; I.C. 33-5-29.5-4(b); I.C. 31-30-1-1
3. What should I do if I have a car accident?
I.C. 9-26-1-1 — I.C. 9-26-1-3; I.C. 9-26-1-8 — I.C. 9-26-1-10
4. What does the law say about having to wear a seat belt?
I.C. 9-19-10-8; I.C. 9-19-10-2; I.C. 9-19-10-2.5



Recreation

Many Indiana youth like to boat, hunt, and fish. You'll have more fun participating in these activities if you follow the law. Yes, that's right. Indiana even has laws that apply to boating, hunting, and fishing.



Water Sports

Many Indiana families spend the summer boating on Indiana lakes and rivers. In order to have a fun and safe summer, read the following rules about boats and jet skis.

1. When can I drive a boat or jet ski?

You cannot operate a motorboat or jet ski on public waters unless you have a valid driver's license. However, if you are at least age fifteen and do not hold a valid driver's license, you can operate a motorboat on public waters if you have been issued an identification card by the Bureau of Motor Vehicles and have successfully completed a boating education course.

2. Do I have to wear a life jacket while in a motorboat or while riding a jet ski?

The law requires that all boats be equipped with life jackets or personal flotation devices for each person on board. The law does not require that you wear the life jacket on a boat. However, for jet skis, the law requires you to wear a life jacket or personal flotation device while operating, riding on, or being towed by a jet ski.

3. What is the speed limit for a boat or jet ski?

There is no set speed limit to drive a boat during the day on most large lakes and rivers. Some lakes have speed restrictions or zones that limit speed. However, you can't drive a boat so fast that you wouldn't be able to stop the boat to avoid danger or to drive safely in bad weather or heavy boat traffic. At night, you cannot drive a boat between sunset and sunrise at a speed greater than ten miles per hour.

4. Where can I take a boater education course?

You can take a boater education course online at www.boat-ed.com/in/.

Hunting and Fishing

Over a hundred years ago, Indiana youth had to hunt and fish to help their family survive. Today, Indiana youth hunt and fish for fun.

1. Can I go hunting?

You can go hunting in Indiana if you have a hunting license. However, there are some exceptions to the rule.

You don't need a hunting license if the parent or guardian you live with owns or leases the farmland where you will be hunting. You also don't need a hunting license if you are under age thirteen, do not possess a bow or firearm, and are accompanied by someone over age eighteen who has a valid hunting license. If you are required to have a license, you must keep your hunting license with you while you hunt.

2. How can I get a hunting license?

You can get a youth hunting license from most sporting goods stores and/or your local Department of Natural Resources property. Remember that you

must first successfully complete a hunter education course. The websites www.in.gov/dnr/fishwild and www.in.gov/dnr/lawenfor/ have more information.

3. How do I find the public lands where I can hunt?

You can find the public lands where you can hunt if you go to the website www.in.gov/dnr/fishwild and click on the link "Where to Hunt."

4. Can I use a gun when I hunt?

Yes. Normally, it is a delinquent act for anyone under age eighteen to knowingly, intentionally, or recklessly possess a firearm. However, there are exceptions.

You can possess a firearm if you are engaging in practice in using a firearm for target shooting at an established range where you are supervised by an adult or qualified firearms instructor, hunting or trapping under a valid license, or traveling with an unloaded firearm to or from an activity described above.

5. Do I have to get a fishing license?

If you are age seventeen or older, you need to have a fishing license in your possession when fishing in waters containing state owned fish, waters of the state, or boundary waters of the state. If you are under age seventeen, you do not need a fishing license.



Tommy's First "Catch"

Chapter 13 Sources

Water Sports

1. When can I drive a boat or jet ski?
I.C. 14-15-11-6; I.C. 14-15-11-9
2. Do I have to wear a life jacket while in a motorboat or while riding a jet ski?
I.C. 14-15-2-6; I.C. 14-15-12-8
3. What is the speed limit for a boat or jet ski?
I.C. 14-15-3-7; I.C. 14-15-3-8;
312 I.A.C. 5-6
4. Where can I take a boater education course?
www.boat-ed.com/in/

Hunting and Fishing

1. Can I go hunting?
I.C. 14-22-11-1; I.C. 14-22-11-6
2. How can I get a hunting license?
I.C. 14-22-11-5;
www.in.gov/dnr/fishwild
3. How do I find the public lands where I can hunt?
www.in.gov/dnr/fishwild
4. Can I use a gun when I hunt?
I.C. 35-47-10-5; I.C. 35-47-10-1
5. Do I have to get a fishing license?
I.C. 14-22-11-8





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